

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application by SACRAMENTO NATURAL GAS STORAGE, LLC, for a Certificate of Public Convenience and Necessity for Construction and Operation of Natural Gas Storage Facilities and Requests for Related Determinations.

Application 07-04-013
(Filed April 9, 2007)

**DECISION GRANTING REQUEST OF AVONDALE GLEN ELDER NEIGHBORHOOD
ASSOCIATION FOR INTERVENOR COMPENSATION FOR SUBSTANTIAL
CONTRIBUTION TO DECISION 12-07-021**

Claimant: Avondale Glen Elder Neighborhood Association (AGENA)	For contribution to Decision (D.) 12-07-021
Claimed: \$1,623,368 ¹	Awarded: \$1,462,280 (reduced 9%)
Assigned Commissioner: Michael R. Peevey	Assigned ACALJ: Richard Smith

PART I: PROCEDURAL ISSUES

- A. Brief Description of Decision:** Sacramento Natural Gas Storage, LLC (SNGS) filed Application (A.) 07-04-013 (Application) for a certificate of public convenience and necessity (CPCN) to construct and operate the Sacramento Natural Gas Storage Facility (Proposed Project) to store approximately 8 Billion Cubic Feet (bcf) of natural gas, including approximately 0.5 bcf of buffer gas. The Proposed Project included: (1) an underground natural gas storage reservoir located below at least 717 residential parcels; (2) a wellhead site including up to six injection/withdrawal wells, one water disposal well and one observation well located adjacent to a public park; (3) a control center and compressor station site; (4) a buried 16-inch interconnection pipeline (approximately 1.4 miles long) between the wellhead and compressor site; and (5) a 16-inch buried interconnection pipeline (approximately 0.8 mile long) between the compressor site and Sacramento

¹ AGENA's initial claim requested \$1,668,677 in compensation. After correcting its errors, AGENA's compensation request was adjusted to \$1,623,368.

**Brief Description of Decision
(cont'd):**

Municipal Utility District (SMUD) Line 700, which would provide, via leased capacity, an interconnection with the Pacific Gas & Electric Company's (PG&E) Line 400/401.

D.12-07-021 denies A.07-04-013. It also certifies the environmental impact report (EIR) for the Proposed Project.

The decision also denies the Application after weighing the need for competitive gas storage services as well as the factors set forth in Public Utilities Code (Pub. Util. Code) § 1001, et. seq., § 963(b)(3), and considering the EIR.

The Decision reasons that "Pub. Util. Code § 1001, et. seq. requires the Commission to find that present or future public convenience and necessity requires the construction of the requested utility facilities prior to granting such a request. Pub. Util. Code § 963(b)(3) mandates that the Commission place the safety of the public and gas corporation employees as its 'top priority.' The EIR prepared for the Proposed Project identifies three significant environmental impacts that cannot be mitigated to less than significant levels: (1) the potential hazards involving the leakage of gas after re-pressurization of the Florin Gas Field for gas storage; (2) potential impacts to groundwater quality resulting from gas field operation and maintenance; and (3) construction activities at the wellhead site that would temporarily increase local noise levels. The impacts that may result from gas leakage or migration have the potential to be catastrophic and long term."

The Decision concludes that: "In weighing the need for the Proposed Project, the Commission finds that unavoidable environmental impacts of the Proposed Project and its safety risks outweigh the benefits of the Proposed Project."

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	May 9, 2008	Correct
2. Other Specified Date for NOI:		
3. Date NOI Filed:	May 22, 2008	Correct
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.07-04-013	Correct
6. Date of ALJ ruling:	August 18, 2008	Correct
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.07-04-013	Correct
10. Date of ALJ ruling:	August 18, 2008	Correct
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.12-07-021	Correct
14. Date of Issuance of Final Order or Decision:	July 18, 2012	Correct
15. File date of compensation request:	September 17, 2012 ²	Correct
16. Was the request for compensation timely?		Yes

² AGENA amended its claim on October 8, 2012, correcting errors in its initial filing. See AGENA’s filing of September 17, 2012 for comparison. We use the corrected information in our consideration of this awards.

C. Additional CPUC Comment on Part I:

CPUC	Comment
X	AGENA amended its claim on October 8, 2012, but failed to forward the corrected WORD version of its claim to the Icompcoordinator until July 19, 2013. ³ We use this date to calculate the 75 th date on which interest accrual for the award begins.

PART II: SUBSTANTIAL CONTRIBUTION**A. Claimant's description of its contribution to the final decision** (*see* § 1802(i), § 1803(a) & D.98-04-059):

Contribution(s)	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
<p>Issuance of CPCN Unwarranted</p> <p>"The standard for an award of intervenor compensation is whether [the intervenor] made a substantial contribution to the Commission's decision, not whether [the intervenor] prevailed on each particular issue." (D.11-09-034, 2011 Cal. PUC LEXIS 437, at 5, citing D.08-04-004, D.09-04-027.) In D.11-09-034, for example, the intervenor The Utility Reform Network (TURN) was successful in persuading the Commission to reject the application" and, for that reason, the Commission held "TURN should be fully compensated for time spent developing the evidentiary record and the many recommendations included in testimony and briefs despite the fact that these recommendations were not explicitly adopted in the decision." (D.11-09-034, at 5.)</p> <p>As described in more detail below, AGENA substantial contribution to D.12-07-021 is evident at all levels in</p>	<p>AGENA's Protest, at 5 [stating SNGS failed to meet its burden to support issuance of a Certificate of Public Convenience and Necessity (CPCN) because SNGS has "failed to demonstrate that the potential benefits outweigh the potential risks involved in building the SNGS Facility at this urban location"]; D.12-07-021 [denying the CPCN because "the Commission finds that unavoidable environmental impacts of the Proposed Project and its safety risks outweigh the benefits of the Proposed Project"]</p>	<p>Correct</p>

³ Sent to the Icompcoordinator mailbox.

the decision and on nearly all issues the decision addresses. The SNGS Application for a CPCN for Construction and Operation of Natural Gas Storage Facilities and Requests for Related Determinations (Project), Proceeding A.07-040-13 (Proceeding), commenced on April 9, 2007. The Proceeding spanned over 62 months, ending with a Decision by the California Public Utilities Commission (Commission) to deny the Project on July 18, 2012.

Following a significant amount of investigation and analysis, AGENA became a party to the Proceeding on February 20, 2008 and participated actively throughout the Proceeding. It became a party to request the Commission deny the Project because “the potential benefits outweigh the potential risks involved in building the SNGS Facility at this urban location.” (AGENA’s Protest, at 5.) The Commission denied SNGS’ application for the very reason urged by AGENA: “the Commission f[ound] that unavoidable environmental impacts of the Proposed Project and its safety risks outweigh the benefits of the Proposed Project.” (D.12-07-021, at 3.) Therefore, AGENA obtained the relief it sought based on the very argument it advanced throughout the proceeding. This is a quintessential example of a substantial contribution to a proceeding.

AGENA’s participation focused on addressing the following four major issues, with numerous subissues: Need for the Project, Safety Issues Associated with the Project,

<p>Community Opinion Concerning the Project, and Participation in the Environmental Review Process. Both the Decision and EIR for the Project demonstrate that AGENA made a substantial contribution to each of these four areas through actively participating in all aspects of this proceeding including discovery, evidentiary hearings, environmental review, and briefing.</p>		
<p>Need for the Project</p> <p>AGENA argued that “SNGS has failed to demonstrate that the proposed SNGS Facility is needed.” (AGENA’s Protest, at 5.) AGENA demonstrated that “SNGS’ speculative and unsubstantiated claims [concerning need] fail to meet its burden of proving its project is necessary.” (<i>See, e.g.,</i> AGENA’s Opening Brief, at 6; AGENA’s Supplemental Opening Brief, at 2 [“The great weight of the evidence demonstrates that the Proposed Project is <i>not</i> needed to ensure reliability, meet peak demand, or address the remote possibility of natural gas curtailment or other disruption.” (original emphasis)]; AGENA’s Comment Letter on DEIR, at 10 [evidence demonstrates SNGS’ Project “is not necessary to protect against a potential disruption”].)</p> <p>D.12-07-021 states that the Commission took “an expanded look at the question of need, specifically as it relates to reliability.... [and determined] an interruption or curtailment is unlikely as evident by the evidentiary record.” (D.12-07-021, at 20-21.) Therefore,</p>	<p>AGENA’s Protest, at 5; AGENA’s Prehearing Conference Statement, at 12-14; AGENA’s Opening Brief, at 2-6; AGENA’s Reply Brief, at 1-6; AGENA’s Supplemental Brief at 2-3; AGENA Supplemental Opening Brief, at 68-82; AGENA Supplemental Reply Brief, at 32-36, 39-43; AGENA’s Reply Comments on ALJ Proposed Decision, at 2-3; AGENA’s Reply Comments on Commissioner Florio’s Proposed Alternate Decision, at 2-5; AGENA’s Comment Letter on DEIR, at 10; Testimony of Robert Bremault; Testimony of Dr. Richard Ferguson; Testimony of Kevin Woodruff; D.12-07-021, at 20-21 and page 81 findings 40-42, D.12-07-021, at 18, 22 n.21 (accepted argument that Let the Market Decide doctrine is not controlling for CEQA), concurring opinion, D.12-07-021 (same and finding probability of curtailment is small), ALJ ruling September 10, 2010 (granting motion to reopen record for hearing on need).</p>	<p>Correct</p>

<p>the Decision agrees with and relies on AGENA's position regarding need for the Project.</p> <p>AGENA's work on the need issue thus made a substantial contribution to this proceeding. That work included briefing, comments on the EIR, drafting testimony in conjunction with experts and preparation and participation in the second evidentiary hearing.</p>		
<p>The IEPR and Comments to SMUD and California Energy Commission Subissue.</p> <p>AGENA also spent time researching and briefing issues regarding the impact of the Integrated Energy Policy Report (IEPR) on this proceeding and the impact of comments before SMUD and the California Energy Commission. Although the Commission chose not to address these issues in the final decision, the parties were ordered to brief them by the ALJ. As a result, AGENA's efforts to respond to such a request for further information and record development should be deemed part of the substantial contribution on this issue. D.11-09-034, at 5.</p>	<p>AGENA's Supplemental Opening Brief, at 86-93; AGENA's Supplemental Reply Brief, at 37-39; AGENA's evidentiary submission re: comments at SMUD meetings; TR 486:1-488:9, TR 497:27 – 498:6 [order from ALJ Smith to brief these issues and submit documents regarding SMUD comments]; D.12-07-021, at 22, ALJ proposed decision, at 28</p>	<p>Correct</p>
<p>Safety Issues Associated with the Project</p> <p>AGENA's participation in the proceeding emphasized the need for a careful analysis of safety issues associated with the Project. In AGENA's Protest, AGENA pointed to the "complex safety concerns" associated with proposing a project of this nature in "an urban location</p>	<p>AGENA's Comments on Notice of Preparation of an EIR, at 1-4; AGENA's Protest, at 1, 4-5; AGENA's Prehearing Conference Statement, at 13-14; Testimony of Dr. John Robertson; AGENA's Comment Letter on the DEIR, at 2-5; Comments Letter on DEIR</p>	<p>Correct</p>

<p>within Sacramento.” (AGENA’s Protest, at 1; <i>Id.</i> at 5 [“The magnitude of potential health and safety risks caused by natural gas storage are significantly higher in an urban setting.”].) Throughout the proceeding AGENA urged that “the primary impacts of the Proposed Project are its significant and unavoidable health and safety and water quality impacts due to the Florin Field’s proximity to an urban residential area and a potable water aquifer.” (AGENA’s Supplemental Opening Brief, at 23.) D.12-07-021 agrees that the project poses a safety risk to the community. The Decision explains that “the Commission places the safety of the public and gas corporation employees as its ‘top priority.’” (D.12-07-021, at 2.) The Decision further acknowledges the “possibility that stored gas could migrate to the surface through or around the cap rock, either through existing fractures or faults or other discontinuities in the cap rock. (Ref. Exh. B, Vol. 2 at D.6-25.) If gas migrates to the surface, it could contaminate the groundwater aquifer or accumulate in structures and become an asphyxiant health hazard or explosive. (Ref. Exh. B, Vol. 2 at D.6-23.)” (D.12-07-021, at 18-19.) Due to these risks, the Decision concludes “[t]he impacts that may result from gas leakage or migration have the potential to be catastrophic and long term.” (<i>Id.</i> at 3.)</p> <p>AGENA’s work on the safety issue thus made a substantial contribution to this proceeding.</p>	<p>from Dr. John Robertson; Comment Letter on DEIR from Dr. Clyde Williams; Comment Letter on DEIR from Dr. Alvin Greenberg; AGENA’s Supplemental Opening Brief, at 22, 38; D.12-07-021, at 1-2, 18-19, 30, 35-37, 38, 39, 60 n.52, 78 findings 16 and 21, at 79 finding 23, at 82 conclusions 8 and 9.</p>	
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<p>Community Opinion Concerning the Project</p> <p>SNGS maintained that the community supported the project and that “the project is consistent with community values as required under section 1002 of the Public Utility Code.” (SNGS’ Opening Brief, at 27-28.) AGENA’s participation in the proceeding assisted in ensuring that the community’s true voice was heard. For example, AGENA’s efforts resulted in the ALJ directing SNGS to address how it portrayed its right to utilize eminent domain in its promotional materials and helped to ensure that a second Public Participation Hearing was held to address confusion caused by SNGS. (July 25, 2008 ALJ Ruling, at 25-26 [advising “SNGS not to make representations concerning eminent domain authority which it does not possess”]; Sept. 14, 2009 ALJ Ruling, at 2 [“conclud[ing] that SNGS’ actions in connection with the April 28 PPH caused confusion for the public and this confusion may have impeded some members of the public from participating in the April 28 PPH”].)</p> <p>Moreover, despite SNGS’ arguments to the contrary, the Decision ultimately concluded that “record evidence [demonstrated] community support for <i>and against</i> the Proposed Project.” (D.12-07-021, at 27.) As the Decision acknowledges, this record evidence included comments from public officials that objected to the proposed location of the Project such as Sacramento County Supervisors Jimmie R. Yee and</p>	<p>AGENA’s Protest, at 8-10; AGENA’s Prehearing Conference Statement, at 11-12; AGENA’s Opening Brief, at 12-14, 14-16, 20-25; AGENA’s Reply Brief, at 10-11, 12-14, 16; AGENA’s Supplemental Brief in Response to Report of SNGS, at 11-13; AGENA Supplemental Brief, at 4-5, 10-12; AGENA’s Comments on ALJ’s Proposed Decision, at 5-7; July 25, 2008 ALJ Ruling, at 25-26; Sept. 14, 2009 ALJ Ruling, at 2; Testimony of 8 community witnesses in first evidentiary hearing; Testimony of Luke Cole; Testimony of Eric Schultheis; D.12-07-021, at 25-27; AGENA’s Comment Letter on the DEIR, at 43-44; Revised ALJ proposed decision at 151 finding 39, ALJ proposed decision at 47 (In response to AGENA’s arguments, finding Schleimer and Gimmy studies proffered by SNGS insufficient to support a conclusion), TR 131:11 – 132:10 (Commissioner Simon acknowledging environmental justice issues as part of community values and requesting evidence on those issues).</p>	<p>Correct</p>
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<p>Don Nottoli, who are two of the numerous community representatives that AGENA met with to discuss the Project and its concerns. (<i>Id.</i> at 26-27.)</p> <p>AGENA's work on the community participation issue thus made a substantial contribution to this proceeding.</p>		
<p>Public Notice Sub-issue</p> <p>AGENA also made a substantial contribution on issues regarding whether home buyers in the project area might not have received adequate notice of the possibility of natural gas storage. This issue was mentioned by Commissioner Simon during the first evidentiary hearing, and research on briefing on the issue was ordered by Judge Smith. (<i>See</i> Ruling, December 26, 2008.) As with the IEPR and related issues discussed above, AGENA's efforts to respond to such a request for further information and record development should be deemed part of the substantial contribution on this issue. D.11-09-034, at 5.</p>	<p>Testimony of John Davis; AGENA's Supplemental Brief in Response to Report of SNGS; AGENA's Supplemental Brief, at 12; TR 2:11-4:8; Ruling, December 26, 2008.</p>	<p>Correct</p>
<p>Environmental Review Process</p> <p>Under California's Environmental Quality Act (CEQA), a project that poses significant impacts to the environment may only be approved if the impacts can be mitigated or if there are overriding considerations for approving it. From its initial Protest, AGENA argued that SNGS's project failed to meet these requirements; i.e., that SNGS "failed to demonstrate that the potential benefits outweigh the potential risks</p>	<p>AGENA's Protest, at 8-9, 12-13; Prehearing Conference Statement, at 6-7; AGENA's Comment on the Draft EIR, at 92; AGENA's Comments on Notice of Preparation of an EIR, at 1-4; Dr. John O. Robertson, Ph.D., P.E., on the Draft EIR; Dr. Roy J. Shlemon, Ph.D., on the Draft EIR; Alvin J. Greenberg, Ph.D., on the Draft EIR; Dr. Michael L. Johnson, Ph.D., on the Draft EIR; Dr. Clyde T. Williams, Ph.D., on the</p>	<p>Correct</p>

<p>involved in building the SNGS Facility at this urban location.” (AGENA’s Protest, at 5; see also AGENA’s Supplemental Opening Brief, at 2 [“any marginal benefit of the Proposed Project is outweighed by the significant and unavoidable risks to the community caused by the Project’s potential for gas explosion and groundwater contamination”].) As a result of the significant risks associated with the Project and the lack of need for the project, AGENA argued that the administrative record lacked substantial evidence to allow the Commission “to draft a statement of overriding considerations that would comply with the requirements of CEQA and the CPUC’s statutory requirement for approving a CPCN.” (AGENA’s Comment Letter on the DEIR, at 92; see also AGENA’s Supplemental Opening Brief, at 2 [“a Statement of Overriding Considerations is not proper in this instance”].)</p> <p>In its Decision, the Commission agreed with AGENA’s conclusion. “In weighing the need for the Proposed Project, the Commission f[ound] that unavoidable environmental impacts of the Proposed Project and its safety risks outweigh the benefits of the Proposed Project.” (<i>Ibid</i> at 3, <i>see also Ibid</i> at 89 conclusion 57; Commissioner Ferron’s Concurrence, at 1 [“This storage facility may be quite desirable, but it clearly is not essential, and hence, in my view, there is no ‘overriding consideration’ in favor of the project.”].)</p> <p>Changes to the DEIR and FEIR caused by AGENA’s comments are a</p>	<p>Draft EIR; Richard C. Casias, P.G., R.E.A., on the Draft EIR; AGENA’s Supplemental Opening Brief, at 2, 67-68; AGENA’s Supplemental Reply Brief, at 5-11; DEIR, at F-3; FEIR, Vol. 2, at ES-25; May 1, 2009 Ruling, at 1 [extending public comment period “to ensure compliance with CEQA requirements”]; Final EIR, Vol. 1, Part 2, at B5-1 to B5-156 [Responses to comments by AGENA and its experts]; July 25, 2011 Ruling, at 1 [entering an Addendum to the FEIR into the record to respond to comments in briefing]; Final EIR Addendum; D.12-07-021, at 2-3, 14-15, 18-23, 30, 35-39, 40-41, 49-50; Commissioner Ferron’s Concurrence, at 1.</p>	
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substantial contribution to the proceedings. (D.09-06-016 at 27-30; D.05-01-059, at 51.)		
<p>Gas Migration</p> <p>In consideration of expert evidence submitted by SNGS and AGENA, the Draft EIR concluded that the Project would result in significant and unavoidable impacts associated with gas migration. (<i>See, e.g.,</i> DEIR, at F-3.) Despite SNGS' efforts to reverse the conclusion in the Draft EIR that the Project would have significant and unavoidable impacts associated with gas migration and water quality impacts, the Final EIR retained that conclusions. (<i>See, e.g.,</i> FEIR, Vol. 2, at ES-25.) The Commission denied a Statement of Overriding Consideration in part because of the risk of gas migration. (D.12-07-021, at 2-3.)</p> <p>AGENA's work on the gas migration issue thus made a substantial contribution to this proceeding.</p>	<p>AGENA's Protest, at 5, 12; AGENA's Comments on Notice of Preparation of an EIR, at 2, 4-6; Comment Letter on DEIR from Dr. John Robertson; Comment Letter on DEIR from Dr. Clyde Williams; Comment Letter on DEIR from Dr. Alvin Greenberg; Comment Letter on DEIR from Dr. Roy Shlemon; AGENA's Comment Letter on the DEIR, at 2, 86-87; AGENA's Supplemental Opening Brief, at 1, 7; AGENA's Supplemental Reply Brief, at 10-16; Final EIR, Vol. 1, Part 2, at B5-1, B5-2, B5-22, B5-47, B5-49, B5-51 to B5-55, B5-59, B5-63, B5-78, B5-79 to B5-81, B5-122 to B5-125; Final EIR Addendum, at 19; D.12-07-021, at 2-3, 37; Commissioner Ferron's Concurrence, at 1.</p>	Correct
<p>Water Quality</p> <p>In consideration of expert evidence submitted by SNGS and AGENA, the Draft EIR concluded that the Project would result in significant and unavoidable impacts associated with gas migration and water quality. (<i>See, e.g.,</i> DEIR, at F-3.) Despite SNGS's efforts to reverse the conclusion in the Draft EIR that the Project would have significant and unavoidable impacts associated with water quality impacts, the Final EIR retained those conclusions. (<i>See, e.g.,</i> FEIR, Vol. 2, at ES-25.) The Commission denied a</p>	<p>AGENA's Comments on Notice of Preparation of an EIR, at 3-5, 7; Comment Letter on DEIR from Dr. Michael Johnson; Comment Letter on DEIR from Richard Casias; Comment Letter on DEIR from Dr. Alvin Greenberg; AGENA's Comment Letter on the DEIR, at 1-5, 91-92; AGENA's Supplemental Opening Brief, at 1-2, 7; AGENA's Supplemental Reply Brief, at 1, 6-7; Final EIR, Vol. 1, Part 2, at B5-1 to B5-2, B5-22, B5-26 to B5-27, B5-55, B5-63, B5-84-B5-85; Final EIR</p>	Correct

<p>Statement of Overriding Consideration in part because of the risk of water contamination. (D.12-07-021, at 2-3.)</p> <p>AGENA's work on the water quality issue thus made a substantial contribution to this proceeding.</p>	<p>Addendum, at 4-6, 18-19; D.12-07-021, at 2-3,37.</p>	
<p>Environmental Disclosure</p> <p>Informed public participation and information disclosure to the decisionmakers are two critical purposes of CEQA. (<i>See, e.g., Cal. Code Regs., § 15003.</i>) AGENA's participation in the environmental review portion of the proceeding advanced these goals in significant ways. During the proceeding, ALJ Smith required additional information from SNGS to further address environmental issues identified by AGENA including issues related to alternatives. In consideration of issues identified by AGENA, the Commission's Energy Division determined it necessary to extend the public comment period on the Draft EIR. And, the Commission's Energy Division also determined it was necessary to release an Addendum to the Final EIR to respond to comments and briefing by AGENA.</p> <p>D.12-07-021 decides 33 environmental disclosure issues raised by AGENA. These issues were "a unique perspective that enriched the Commission's deliberations and the record" and therefore were a substantial contribution. D.09-12-041 at 9; D.08-05-015 at 7.</p>	<p>AGENA's Comments on Notice of Preparation of an EIR; May 1, 2009 Ruling, at 1 [extending public comment period "to ensure compliance with CEQA requirements"]; AGENA's Comment Letter on DEIR; Final EIR, Vol. 1, Part 2, at B5-1 to B5-156 [Responses to comments by AGENA and its experts]; July 25, 2011 Ruling, at 1 [entering an Addendum to the FEIR into the record to respond to comments in briefing]; Final EIR Addendum; AGENA's Supplemental Opening Brief, at 3-86; AGENA Supplemental Reply Brief, at 2, 17-44; Comment letters from Robert Mistretta; AGENA briefs on feasibility of alternatives; D.12-07-021 at 43, 44-45 (modifying analysis of economic feasibility of alternatives in light of AGENA arguments and expert letters)</p>	<p>Correct</p>

<p>Parks and recreation</p> <p>One of the issues in a request for a CPCN is the impact of the proposed project on parks and recreation. (Pub. Util. Code § 1002.) The ALJ's Scoping Memo ordered that the project's impact on parks and recreation be litigated during the first evidentiary hearing, and the ALJ reiterated that during the hearing. (TR 5:3-11.) AGENA then presented argument and evidence on this issue. In response to AGENA's arguments, Commissioner Sandoval mentioned the potential impact of the proposed project on Danny Nunn park in her comments during the public hearing when the decision was announced.</p> <p>AGENA's work on the parks and recreation issue thus made a substantial contribution to this proceeding. D.09-12-041 at 9; D.08-05-015 at 7.</p>	<p>AGENA's Opening Brief, at 25-26; AGENA's Supplemental Brief, at 12; Issue in First Evidentiary Hearing; Scoping Memo and TR:5:3-11; July 12, 2012 Commission Hearing (identified by Commissioner Sandoval as one of factors she considered in voting to deny the project).</p>	<p>Correct</p>
<p>Insurance</p> <p>One of the issues in a request for a CPCN is insurance. (Pub. Util. Code § 1002.) The ALJ's Scoping Memo ordered that insurance issues be litigated during the first evidentiary hearing, and the ALJ reiterated that during the hearing. (TR 5:3-11.) Because SNGS' insurance expert was not available to testify, AGENA deposed her. AGENA raised several issues about liability insurance and homeowners insurance as required by the ALJ.</p> <p>AGENA's work on the insurance issue thus made a substantial</p>	<p>AGENA's Opening Brief at 16-18, 27-28; AGENA's Reply Brief, at 7-8; AGENA's Supplemental Brief, at 6; Deposition of Shauna Ackerman; Issue in first hearing. Scoping Memo and TR:5:3-11.</p>	<p>Correct</p>

contribution to this proceeding. D.09-12-041 at 9; D.08-05-015 at 7.		
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA)⁴ a party to the proceeding?	Yes	Correct
b. Were there other parties to the proceeding with positions similar to yours?	No	Correct
<p>c. Claimant’s description of how it coordinated with ORA and other parties to avoid duplication or how claimant’s participation supplemented, complemented, or contributed to that of another party:</p> <p>AGENA did not coordinate with ORA because ORA did not discuss any of the issues AGENA discussed. ORA’s only involvement was with regard to a financing issue with SNGS that AGENA did not discuss or participate in. (See TR 6:6 – 7:25 [stating DRA’s involvement and outline of its stipulation with SNGS].)</p> <p>There were no other parties. However, due to the length and complexity of the case, AGENA was represented by four different law firms at various points. And while Part II.B does not precisely address possible duplication among a party’s law firms and attorneys, AGENA has taken great care to ensure that this Claim does not seek compensation for any unreasonably duplicative work.</p> <p>In a proceeding such as this, where counsel’s involvement has stretched over six years and numerous forums, evidentiary hearings, and briefs, as well as extensive community involvement, some degree of duplication is unavoidable.⁵ The demands of this matter were tremendous, and could</p>		<p>ORA and SNGS reached agreement on reporting requirements and on exemption from the requirements of § 818 and § 851 and the Competitive Bidding Rule.</p> <p>Other parties to the proceeding include PG&E, City of Sacramento, Consumer Protection and Safety Division,</p>

⁴ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

⁵ See, i.e. D.96-08-040 (67 CPUC 2d 562, 575-576.X) (“[B]ecause of the extraordinary level of participation required of both parties and intervenors throughout these proceedings, we find that a reduction in the amount awarded to intervenors based on duplication of effort is unwarranted. Section 1803(b) requires that the awarding of fees to intervenors “be administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process.” Each of the intervenor groups clearly has a stake in the process of restructuring California’s electrical services industry and we are grateful for their participation in these proceedings. Moreover, we rely on them to continue their effective and efficient participation in our proceedings as we move forward with the many implementation tasks ahead. [footnote omitted][¶] In a broad,

<p>not be fully met by one lawyer or law firm. In these circumstances, AGENA submits that the Commission should find that there was no undue duplication, as most of what might be termed “duplication” was either necessary to coordinate efforts and/or meet the demands of this litigation, or has been accounted for by the steps AGENA’s attorneys have taken to reduce the possibility of claiming unnecessarily duplicative time, both in handling this matter and in presenting this Application.</p> <p>Initially, in submitting its claim for intervenor compensation, AGENA’s counsel have exercised significant billing judgment to reduce their claim, both by making substantial reductions within each firm and then by taking a ten percent (10%) across –the –board reduction. AGENA submits that this reduction takes into account any unnecessary duplication or other non-compensable time. <i>See</i> Part III.</p> <p>Second, AGENA’s attorneys actively coordinated their efforts to avoid unnecessary duplication. In particular, each attorney was assigned particular tasks. For writing briefs, comments and other PUC submissions, attorneys each wrote different sections in order to avoid duplication of effort. Review by other attorneys was for limited to editing to ensure consistency of arguments. Unless otherwise specified, motions were written by an attorney who was available at the time the motion was needed. Only one attorney did the primary writing of each motion.</p>	<p>Lodi Gas Storage (not active), and Wild Goose Storage (not active).</p>
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

a. Claimant’s explanation as to how the its participation bore a reasonable relationship with benefits realized through claimant’s participation:	CPUC Verified
<p>AGENA’s request for intervenor compensation seeks an award of approximately \$1.66 million as the reasonable cost of its participation in this six year proceeding. AGENA submits that these costs are reasonable in light of the importance of the issues AGENA addressed, its complete success, and the benefits to utility customers that resulted.</p> <p>AGENA's advocacy that is reflected in D.12-07-021 addressed policy matters rather than specific rates or disputes over particular dollar amounts.</p>	<p>AGENA’s work in this proceeding is likely to result in benefits to both the AGENA and Sacramento area residents.</p> <p>AGENA’s advocacy focused on significant</p>

multi-issue proceeding such as this, we expect to see some duplication of contribution. This duplication does not diminish the value of that contribution to the Commission. In our view, to deduct from an award of reasonable fees in this case would not encourage the effective and efficient participation of all stakeholders in the spirit of § 1801.3(b).”))

Thus, given the nature of the issues presented, AGENA cannot easily identify precise monetary benefits to residents and ratepayers from its work in this proceeding. For this reason, the Commission should treat this compensation request as it has treated similar past requests with regard to the difficulty of establishing specific monetary benefits associated with intervenor participation. (*See i.e.* D.07-12-040, at 21 [awarding TURN intervenor compensation for energy efficiency policy work in A.05-06-004 et al.].)⁶

Despite the lack of easily quantifiable customer benefits, AGENA submits that its attorneys' and experts' six years of work in this proceeding will result in significant benefits to the residents of the AGENA, as well as all Sacramento-area residents: the denial of SNGS's permit to construct a natural gas storage facility under their neighborhood will have a direct and lasting impact on the neighborhood. AGENA's efforts throughout this proceeding have focused on presenting to the Commission the significant and unavoidable risks associated with the proposed project, particularly from the possible effects of gas migration and impacts on a major potable aquifer. Risks associated these impacts are significant. "If gas were to migrate into the aquifer, the aquifer would become contaminated. This contamination could be substantial requiring a prolonged period of remediation and impacting the water quality of a major potable aquifer. (Exh. B, Vol. 2 at D.7-23.)" (D.12-07-021, at 19.) And, the potential dangers from gas migration are, of course, extreme: explosion, fire, and gas inhalation. (D.12-07-021, at 36 [migrating gas could "become an asphyxiant health hazard or explosive"].)

The costs of such impacts are more appropriately measured in potential loss of life than monetary terms. However, monetary impacts caused by migration or contamination of a major potable water aquifer would be substantial. And, even if these potential dangers had never materialized into an explosion or water pollution, the benefit to the community in terms of eliminating a justifiable sense of apprehension and danger is of great value. In the end, no matter how these costs are measured, AGENA submits that these benefits are substantially greater than the cost of AGENA's participation in this proceeding.

AGENA also focused on the lack of need for the project. Both parts of that advocacy were necessary because the combination of AGENA's arguments about both the risks of the project and the lack of need for the project were

and unavoidable risks associated with the proposed project, particularly from the possible effects of gas migration and impacts on a major potable aquifer. If the project had been approved, these risks would have been significant.

⁶ *See also* D.99-12-005, at 6-7 (Compensation Decision in 1995 Storm Phase of PG&E GRC, A.97-12-020) and D.00-04-006, at 9-10 (Compensation Decision in Edison PBR Midterm Review, A.99-03-020) (recognizing the overall benefit of TURN's participation where that participation assisted the Commission in developing a record on which to assess the reasonableness of the utility's operations, and particularly its preparedness and performance in the future).

critical to the Commission's determination not to issue a statement of overriding consideration under CEQA and to deny the project.

AGENA also presented extensive data and testimony that aided the Commission in deciding numerous critical issues. AGENA presented testimony from seven expert witnesses, and EIR comments from six experts, testimony from eight community members about the community's opinion of the project, and substantial documentary evidence, some of which required discovery to obtain. AGENA's comments and briefing also impacted the environmental review process in both procedural and substantive ways including by ensuring AGENA and other members of the public had a full opportunity to comment on the Draft EIR and submitting environmental comments and briefing that ultimately resulted in preparation of an addendum to the Final EIR.

And finally, given SNGS's determination to procure a permit despite the dangers presented and community opposition, AGENA's attorneys and experts had little choice but to litigate this matter with the tenacity and effort reflected in their claim; indeed, much of their work was done in response to requests from the Commission⁷ or efforts by SNGS that could not be ignored.⁸

For all of these reasons, the Commission should find that AGENA's efforts have been productive and well worth the six years of effort they reflect.

⁷ For example, there are at least three issues that ALJ Smith and/or Commissioner Simon ordered parties to address in the proceeding: 1) notice of possible gas storage to property buyers; 2) the impact of the IEPR, and 3) comments at SMUD hearings. In addition, a second in-person evidentiary hearing was held because ALJ Smith wanted to cross-examine three witnesses, even though the parties were willing to stand on the written testimony submitted prior to the second evidentiary hearing. Moreover, the second day of the second evidentiary hearing was entirely to address evidentiary objections made by SNGS, the vast majority of which were overruled. Furthermore, the PUC's tour of the project site and meeting thereafter was convened by Commissioner Sandoval on her own motion.

⁸ It bears noting that none of AGENA's law firms were being paid for this effort; all are dependent on an award of intervenor compensation as compensation for their work. In these circumstances, as the Ninth Circuit Court of Appeals noted in *Moreno v. City of Sacramento* (9th Cir. 2008) 534 F.3d 1106, 1112: "It must be kept in mind that lawyers are not likely to spend unnecessary time on contingency fee cases in the hope of inflating their fees. The payoff is too uncertain, as to both the result and the amount of the fee. It would therefore be the highly atypical civil rights case where plaintiff's lawyer engages in churning. ***By and large, the court should defer to the winning lawyer's professional judgment as to how much time he was required to spend on the case; after all, he won, and might not have, had he been more of a slacker.***" (Emphasis added).

Commission's response: This is not applicable to Intervenor Compensation awards, which are paid even when a party loses, if the party made a substantial contribution as determined by the Commission. In court litigation (vs. commission proceedings) counsel is compensated only if a lawsuit is successful.

b. Reasonableness of Hours Claimed.	CPUC Verified
<p>AGENA submits that the Commission should find its attorneys' requested hours reasonable, particularly in light of the six-year history of their involvement with this project, their complete success, and the extensive billing judgment they have exercised, including an across-the-board 10% reduction voluntarily applied to their documented hours on this matter.</p> <p>Initially, AGENA's complete success in achieving the relief it requested qualifies it for full compensation on the entire range of issues it addressed: "The standard for an award of intervenor compensation is whether [the intervenor] made a substantial contribution to the Commission's decision, not whether [the intervenor] prevailed on each particular issue." (D.11-09-034, at 5, citing D.08-04-004, D.09-04-027.) In D.11-09-034, for example, the intervenor "was successful in persuading the Commission to reject the application" and, for that reason, the Commission held the intervenor "should be fully compensated for time spent developing the evidentiary record and the many recommendations included in testimony and briefs despite the fact that these recommendations were not explicitly adopted in the decision." (D.11-09-034, at 5, citing D.08-04-004, D.09-04-027.) Accordingly, "[g]iven the extraordinary overall level of success obtained in this proceeding, the Commission recognize[d] the substantial contributions made by [the intervenor] on the entire range of issues addressed in testimony and briefs." (D.11-09-034, at 5.)</p> <p>In the instant case, AGENA achieved a similar "extraordinary overall level of success." SNGS's CPCN application was rejected in its entirety. Under the decisions cited above, this complete success entitles AGENA to compensation on "the entire range of issues addressed in testimony and briefs."</p> <p>Moreover, even for sub-issues that an intervenor does not prevail on, compensation is appropriate where the intervenor provided "a unique perspective that enriched the Commission's deliberations and the record." (D.09-12-041 at 9; D.08-05-015 at 7.) As shown below, AGENA presented a "unique perspective on a wide range of issues that enriched the Commission's deliberations and the record" and therefore is entitled to be compensated for those substantial contributions.</p> <p>AGENA's work on each of the issues it lists above made a substantial contribution to this case and should be compensated in full.⁹</p> <p>In order to ensure the reasonableness of this request and that no</p>	<p>After the reductions and disallowances we make to this claim, the remaining hours and costs are reasonable and worthy of compensation.</p>

⁹ Citations to the record documenting AGENA's work on each issue are set forth in the Substantial Contribution section, Part II.A, *ante*, and will not be repeated here. Counsel's time records are attached as Attachment 3.

non-compensable time has been claimed, AGENA's law firms first significantly reduced the time they would claim to eliminate any arguably non-compensable time. As a group, they then reduced their request by an across the board ten percent (10%) to ensure that non-compensable time would not be awarded; this adjustment amounts to a reduction of hundreds of hours and more than \$184,000 in fees.

The individual reductions that each firm made prior to imposing a 10% reduction were significant. For Legal Services of Northern California (LSNC), Managing Attorney William Kennedy reviewed all LSNC time records (except for Stephen Goldberg's records) and removed duplicative time, unnecessary time, and time spent on clerical tasks. Mr. Kennedy estimates that he removed approximately 1,200 time entries prior to the 10% across the board reduction. Although this task took far longer, LSNC voluntarily reduced it to 20 hours. Stephen Goldberg reviewed his own records and removed duplicative time, unnecessary time and time spent on clerical tasks. Mr. Goldberg estimates that he removed approximately 100 hours of his own time prior to the 10% across the board reduction. As part of its billing judgment, LSNC is not requesting time spent by law students and by attorney Maya Roy on various research tasks. LSNC is also exercising its billing judgment by not requesting time for William Kennedy except for the time he spent on this motion and for John Davis except for his time as an expert.

Chris Butcher reviewed all records for Remy Moose Manley, LLP (formerly Remy, Thomas, Moose, and Manley, LLP), and for Thomas Law Group. In conducting this review, Mr. Butcher removed duplicative time, unnecessary time and time spent on clerical tasks. Mr. Butcher ultimately excluded all time entries recorded by nine attorneys and law clerks from Remy Moose Manley, LLP and Thomas Law Group. In total, Mr. Butcher estimates that he removed approximately 150 hours of time entries recorded by Remy Moose Manley, LLP and Thomas Law Group, prior to the 10% across the board reduction.

Altshuler Berzon cut 19 hours, including 4 hours worked by Hamilton Candee, a firm partner with more than 30 years of environmental litigation experience, and who provided advice on the work we did throughout. The other 15 hours cut were worked by Chisholm, Sung, and the law students. Best Best & Krieger also cut many hours.

Finally, in the exercise of billing judgment, AGENA has chosen not to request an enhancement of their lodestar, even though this case presents a strong basis for such an enhancement. In past awards of intervenor compensation the Commission has recognized that under certain circumstances an enhancement of the base level of award is warranted, including specifically "exceptional results." *See e.g.*,

D.04-08-025 (I.02-04-026), at 46. In this case, AGENA clearly has achieved just such “exceptional results.” After more than six years of hard-fought litigation before the Commission, they have defeated SNGS’s request to place a gas storage facility under their urban neighborhood entirely.¹⁰ The decision to forego an enhancement request further demonstrates billing judgment.

The combination of the range and complexity of issues resulted in AGENA’s law firms devoting a higher than usual number of hours for more than one attorney’s work on AGENA’s pleadings and other work products and efforts. AGENA submits that under the circumstances, and with the billing judgment exercised, the net hours claimed should be found reasonable.

AGENA relied on outside expert consultants regarding need, safety, gas migration and geology and water quality. These areas each involved technical expertise that required the use of experts. The need issue included technical details of the gas delivery and storage system in California, availability of alternative energy and, energy efficiency and other details of California’s energy systems and policy that required expert input. The safety issue included scientific analysis that required expert input. The gas migration, geology and water quality issues required extensive scientific knowledge and analysis, as evidenced by the fact that several of AGENA’s experts have PhD’s in their fields, are noted professors and have extensive experience. In addition, SNGS submitted technical documentation in support of the proposed project that required expert analysis. Moreover, AGENA’s expert testimony included analysis and response to AGENA’s expert testimony that could only be done by experts in the respective fields. In addition, AGENA is not requesting compensation for experts Roy Shlemon, Center for Race, Poverty and the Environment on behalf of the late Luke Cole, and Linda Perry.

For all of these reasons, the Commission should find the number of hours for each firm member and consultant reasonable and award compensation for the full amount of requested hours.

Only a small number of hourly entries reflect meetings attended by AGENA’s attorneys and consultants, or by more than one AGENA attorney

¹⁰ AGENA’s attorneys also have done this work and expended thousands of hours totally on a contingent fee basis. None of AGENA’s law firms have been paid for their work; all are dependent on their intervenor compensation claim to recover any compensation for their six years of work. In the judicial forum, enhancements to account for such risk are an integral part of fee awards in highly-contested, risky environmental litigation. *See, e.g., Center for Biological Diversity v. County of San Bernardino (NP Nurseries)* (2010) 185 Cal.App.4th 866, 899 (affirming 1.5 multiplier in CEQA action); *Uphold Our Heritage v. Town of Woodside*, San Mateo Superior Court No. 444270, *aff’d by unpublished decision*, 2008 Cal.App.Unpub. LEXIS 8875 (2.0 multiplier); *EPIC v. California Dept. of Fire & Forestry*, Humboldt County Superior Court Nos. CV990445 and CV990452 (2.0 multiplier, reversed and remanded for reconsideration in light of appellate decision on merits (*see* 190 Cal.App.4th 217).

or consultant. AGENA submits that these hours do not reflect internal duplication. Rather, such participation was essential to AGENA's development and implementation of its strategy for this proceeding. AGENA's requested hours are limited to those where the attorney's or expert's presence at a meeting was necessary in order to achieve the meeting's purpose.

AGENA's time records include occasional references to "travel." AGENA has attempted to include only travel in which otherwise compensable work was performed. However, to the extent some "pure" travel time was included, that time was minimal and adequately excluded by the across-the-board 10% reduction.¹¹

AGENA's request also includes approximately 219 hours devoted to the preparation of this request for compensation. AGENA acknowledges that this figure is significantly higher than the number of hours customarily devoted to requests for compensation. However, preparing this request was particularly time-consuming because it covers six years of work by four law firms. That work included: approximately 85 pleadings formally filed by AGENA; a total of approximately 285 pleadings in the entire case; the preparation of substantial expert testimony and comment; the preparation of lay witness testimony; and the review of copious time-keeping records detailing nearly 7,000 hours of work by AGENA's attorneys and expert consultants. The amount of time required also compares favorably to the amount of time found reasonable for comparable work in judicial proceedings.¹²

Also of note, AGENA retained as lead counsel for this compensation request Richard M. Pearl, a fee-litigation expert who wrote the Continuing Education of the Bar treatise on California attorney fee law. Mr. Pearl was hired to coordinate and take ultimate responsibility for the request and to put together the final claim. In doing so, he relied very heavily on Mr. Goldberg and Mr. Butcher, the attorneys with the most familiarity with the issues presented in this proceeding, who drafted many parts of the claim. Their substantial involvement in the task of preparing the request is thus reasonable and efficient under the circumstances.¹³

AGENA submits that the Commission should find the hours requested here

¹¹ See, e.g., *Davis v. City & County of San Francisco* (9th Cir. 1992) 976 F.2d 1536, 1543 (upholding finding that objections to plaintiffs' hours encompassed within counsel's voluntary 5% across-the-board reduction).

¹² See, e.g., *Prison Legal News v. Schwarzenegger* (9th Cir. 2010) 608 F.3d 446 (affirming District Court's \$137,502.46 fee award, of which \$48,562.17 was for "merits" work, and \$88,940.29 for "fees" work); *Greene v. Dillingham Const. Co. N.A., Inc.* (2002) 101 Cal.App.4th 418 (\$102,201.50 award for fee-related services).

¹³ See *Davis*, 976 F.2d at 1545 (compensating retained fee counsel and merits counsel for work on fee application.)

to be reasonable under the circumstances, and that AGENA’s showing supports that conclusion. However, should the Commission believe that more information is needed or that a different approach to discussing the reasonableness of the requested hours is warranted here, AGENA requests the opportunity to supplement this section of the request.		
c. Allocation of Time by Major Issue:		CPUC Verified
AGENA’s allocates its hours by major issue as follows:		AGENA has properly allocated its time by major issue in accordance with Rule 17.4. ¹⁴
<u>DESCRIPTION</u>	<u>% of Time</u>	
Need for the Project	12.90%	
Safety Issues Associated with Project	6.30%	
Community Opinion Concerning Project	13.50%	
Environmental Review Process	9.30%	
Gas Migration	6.40%	
Water Quality	1.77%	
Environmental Disclosure	3.75%	
Legal Maneuvering and Discovery	19.50%	
General Issues	21.65%	
Parks and Recreation	.10%	
Insurance	.70%	
Intervenor compensation	3.85%	

B. Specific Claim:*

CLAIMED						CPUC AWARD**		
ATTORNEY FEES								
Item	Year	Hours	Rate \$	Rate Rationale	Total \$	Hours	Rate \$ ¹⁵	Total \$
C. Butcher	2007	35.00	170	D.07-01-009	5,950	34.0	170	5,780
C. Butcher	2008	408.25	185	D.08-04-010	75,526	343.3	185	63,511
C. Butcher	2009	297.75	195	Res. ALJ-235	58,061	267.5	195	52,163
C. Butcher	2010	249.75	215	Res. ALJ-247	53,696	227.8	215	48,977
C. Butcher	2011	141.75	225	Res. ALJ-267	31,894	135.8	225	30,555
C. Butcher	2012	143.75	280	Res. ALJ-281	40,250	134.0	280 ¹⁶	37,520
C. Bailey	2007	125.30	190	D.07-01-009	23,807	98.6	190	18,734

¹⁴ See D.98-04-059 and D.85.08-012.¹⁵ Hourly rates are rounded to nearest \$5.00 increment.¹⁶ Includes the 2.2% COLA approved in Resolution ALJ-281 for 2012 intervenor work.

C. Bailey	2008	748.70	215	D.08-04-010	160,971	653.6	205	133,988
C. Bailey	2009	356.95	225	Res. ALJ-235	80,314	294.0	215	63,210
C. Bailey	2010	503.70	280	Res. ALJ-247	141,036 ¹⁷	441.1	280	123,508
C. Bailey	2011	446.40	295	Res. ALJ-267	131,688	386.1	295	113,900
C. Bailey	2012	128.00	300	Res. ALJ-281	38,400	100.6	300 ¹⁸	30,180
S. Goldberg	2008	165.70	370	D.08-04-010	61,309	162.4	370	60,088
S. Goldberg	2009	72.60	370	Res. ALJ-235	26,862	71.5	370	26,455
S. Goldberg	2010	134.00	390	Res. ALJ-247	52,260	129.3	390	50,427
S. Goldberg	2011	145.60	390	Res. ALJ-267	56,784	145.60	390	56,784
S. Goldberg	2012	89.40	415	Res. ALJ-281	37,101	87.9	420 ¹⁹	36,918
T. Thomas	2007	3.25	450	D.07-01-009	1,462	3.25	450	1,462
T. Thomas	2008	20.50	465	D.08-04-010	9,533	5.2	465	2,418
T. Thomas	2009	49.75	465	Res. ALJ-235	23,134	34.95	465	16,252
T. Thomas	2010	19.25	490	Res. ALJ-247	9,433	8.25	490	4,043
T. Thomas	2011	5.25	490	Res. ALJ-267	2,573	.25	490	123
T. Thomas	2012	8.75	515	Res. ALJ-281	4,506	5.25	525 ²⁰	2,756
K. Ueda	2011	22.00	340	Res. ALJ-267	7,480	22.00	340	7,480
K. Ueda	2012	101.10	340	Res. ALJ-281	34,374	86.4	350 ²¹	30,240
B. Chisholm	2009	75.90	325	Res. ALJ-235	24,668	75.9	325	24,668
J. Sung	2009	24.60	290	Res. ALJ-235	7,134	24.60	290	7,134
S. Ropelato	2008	462.30	175	D.08-04-010	80,903	444.9	175	77,858
S. Ropelato	2009	141.40	185	Res. ALJ-235	26,159	114.3	185	21,146
S. Ropelato	2010	106.16	200	Res. ALJ-247	21,232	98.2	195 ²²	19,149
S. Ropelato	2011	191.00	225	Res. ALJ-267	42,975	190.0	225	42,750
S. Ropelato	2012	38.50	280	Res. ALJ-281	10,780	38.2	285 ²³	10,887
S. Sarabia	2007	50.70	280	D.07-01-009	14,196	50.7	280	14,196

¹⁷ We correct AGENA's (-270.00) multiplication error here and recalculate AGENA's request for an award.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

²³ Applies the 2.2% COLA increase authorized in Resolution ALJ-281.

A. Crocker	2007	7.25	280	D.07-01-009	2,030	3.0	280	826
A. Crocker	2008	15.25	300	D.08-04-010	4,575	12.7	300	3,810
A. Crocker	2009	27.25	325	Res. ALJ-235	8,856	27.25	325	8,856
A. Crocker	2010	2.25	325	Res. ALJ-247	731	2.25	325	731
A. Crocker	2011	18.75	340	Res. ALJ-267	6,375	18.75	340	6,375
A. Crocker	2012	1.75	340	Res. ALJ-281	595	1.75	345 ²⁴	604
A. Higuera	2008	19.75	235	D.08-04-010	4,641	18.9	235	4,442
Subtotal for Attorneys' Fees (Before 10% Reduction):					\$1,424,254	\$1,260,904		
(10% Reduction in Attorneys' Fees):					- (\$142,425)	-(126,090)		
Adjusted Attorney Subtotal:					\$1,281,829	\$1,134,814		
EXPERT FEES								
Item	Year	Hours	Rate \$	Rate Rationale	Total \$	Hours	Rate \$	Total \$
R. Bremault	2010	91.50	235	Res. ALJ-247	21,503	91.50	235	21,503
R. Bremault	2011	14.00	235	Res. ALJ-267	3,290	14.00	235	3,290
R. Bremault	2012	21.00	245	Res. ALJ 281	5,145	18.5	250	4,625
R. Casias	2009	9.00	220	Res. ALJ-235	1,980	9.00	220	1,980
R. Casias	2011	7.00	230	Res. ALJ-267	1,610	7.00	230	1,610
R. Ferguson	2010	14.00	190	Res. ALJ-247	2,660	14.00	190	2,660
R. Mistretta	2010	6.60	245	Res. ALJ-247	1,617	6.60	245	1,617
J. Robertson	2007	6.10	260	D.07-01-009	1,586	6.10	260	1,586
J. Robertson	2008	293.40	265	D.08-04-010	77,751	285.8	265	75,737
J. Robertson	2009	299.40	280	Res. ALJ-235	83,832	296.8	280	83,104
J. Robertson	2010	84.00	280	Res. ALJ-247	23,520	78.4	280	21,952
J. Robertson	2011	24.20	295	Res. ALJ-267	7,139	24.20	295	7,139
J. Robertson	2012	13.70	295	Res. ALJ-281	4,042	13.4	300	4,020
K. Woodruff	2010	9.50	225	D.11-06-015	2,137	9.50	225	2,137
K. Woodruff	2011	10.00	235	D.12-07-019	2,350	10.00	235	2,350
E. Schultheis	2007	2.00	120	D.07-01-009	240	2.00	120	240
E. Schultheis	2008	19.80	125	D.08-04-010	2,475	19.80	125	2,475
C. Williams	2008	108.00	250	D.08-04-010	27,000	108.00	250	27,000
C. Williams	2009	26.00	260	Res. ALJ-235	6,760	26.00	260	6,760
C. Williams	2010	35.50	260	Res. ALJ-247	9,230	35.50	260	9,230

²⁴ Applies the 2.2% COLA approved in Resolution ALJ-281.

C. Williams	2011	16.25	270	Res. ALJ-267	4,388	16.25	270	4,388
A. Greenberg	2009	104.50	215	D.09-01-035	22,468	104.50	215	22,468
A. Greenberg	2011	12.00	225	Res. ALJ-267	2,700	12.00	225	2,700
M. Johnson	2009	7.10	210	Res. ALJ-235	1,491	7.10	210	1,491
M. Johnson	2010	1.70	210	Res. ALJ-247	357	1.70	210	357
M. Johnson	2011	1.10	210	Res. ALJ-267	231	1.10	210	231
M. Johnson	2012	0.60	210	Res. ALJ-281	126	0.30	215	65
J. Davis	2008	0.20	265	D.08-04-010	53	0.20	265	53
J. Davis	2009	4.50	265	Res. ALJ-235	1,193	4.50	265	1,193
Subtotal for Expert's Fees (Before 10% Reduction):					\$318,873	\$313,961		
(10% Reduction in Expert's Fees):					- (\$31,887)	-(\$31,396)		
Adjusted Expert Subtotal:					\$286,986	\$282,565		
OTHER FEES (Paralegal)								
Item	Year	Hours	Rate \$	Rate Rationale	Total \$	Hours	Rate \$	Total \$
B. Goldman ²⁵	2009	18.30	110	D.11-03-25	2,013	18.30	100	1,830
H. Smith ²⁶	2009	41.60	110	D.11-03-025	4,576	41.60	100	4,160
N. Navarro-Brown ²⁷	2007	15.00	50	Adopted here ²⁸	750	15.00	50	750
N. Navarro-Brown	2008	5.65	50	Adopted here	283	5.65	50	283
N. Navarro-Brown	2009	21.10	50	Adopted here	1,055	21.10	50	1,055
N. Navarro-Brown	2010	6.00	50	Adopted here	300	6.00	50	300
N. Navarro-Brown	2011	29.75	50	Adopted here	1,488	29.75	50	1,488
N. Navarro-Brown	2012	12.50	50	Adopted here	625	12.50	50	625
Subtotal for Law Clerk & Paralegal Fees (Before 10% Reduction):					\$11,090	\$10,491		
(10% Reduction in Law Clerk & Paralegal Fees):					- (\$1,109)	-(\$1,049)		

²⁵ Goldman was a law student.

²⁶ Smith was a law student.

²⁷ Navarro-Brown worked as a paralegal from 2007-2012.

²⁸ Compensation for paralegal work during the 2007-2011 period has ranged from \$100-\$110. We approve the 2007-2012 rates for Navarro-Brown as requested.

<i>Adjusted Other Fees Subtotal:</i>					\$9,981	<i>Subtotal: \$9,442</i>		
INTERVENOR COMPENSATION CLAIM PREPARATION ***								
Item	Year	Hours	Rate	Basis for Rate	Total \$	Hours	Rate \$	Total \$
R. Pearl	2011	3.15	270	½ of rate adopted here	851	3.15	135 ²⁹	425
R. Pearl	2012	46.55	270	½ of rate adopted here	12,569	46.55	137.50	6,400
W. Kennedy	2012	20.00	250	½ of rate adopted here	5,000	20.00	125 ³⁰	2,500
K. Ueda	2012	9.00	175	½ of rate adopted here	1,575	9.00	170	1,530
S. Goldberg	2012	50.40	210	½ of rate adopted here	10,584	50.40	210	10,584
C. Butcher	2008	34.75	92.50	½ of rate adopted here	3,214	34.75	92.50	3,214
C. Butcher	2011	15.75	112.50	½ of rate adopted here	1,772	15.75	112.50	1,772
C. Butcher	2012	40.25	140	½ of rate adopted here	5,635	40.25	140	5,635
<i>Subtotal for Intervenor Compensation Preparation (Before 10% Reduction):</i>					\$41,200	\$32,060		
<i>(10% Reduction in Intervenor Compensation Preparation Fees):</i>					- (\$4,120)	-(\$3,206)		
<i>Adjusted Compensation Claim Preparation Subtotal:</i>					\$37,080	\$28,854		
COSTS								
Item		Detail			Total requested costs \$	Total approved costs \$		
Lexis-Nexus		Legal research associated with this matter.			686.86	686.86		
Phone		Phone expenses associated with this matter.			161.67	161.67		
Postage		Postage expenses associated with this matter.			127.54	127.54		
Copying / printing		Copying/printing expenses associated with this matter.			5,659.53	5,015.91 ³¹		

²⁹ Time spent on NOI preparation and compensation claim matters is compensated at ½ professional hourly rate. AGENA fails to reduce Pearl's 2011-2012 hourly rates for these tasks.

³⁰ Time spent on NOI preparation and compensation claim matters is compensated at ½ professional hourly rate. AGENA fails to reduce Kennedy's 2012 rate accordingly for these tasks.

PROPOSED DECISION

Messenger / Overnight Delivery	Messenger/Overnight Delivery expenses associated with this matter.	368.86	368.86
Travel	Air fare for AGENA's expert consultant Robertson to travel from Los Angeles to Sacramento to participate in this matter.	244.50	244.50
Subtotal: \$7,249			Subtotal: \$6,605.34
TOTAL REQUEST: \$1,623,125³²			TOTAL AWARD: \$1,462,280
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**2012 Hours for Attorneys and Experts have been adjusted to include the 2.2% cost-of-living approved in Resolution ALJ-291.</p> <p>***Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p>			
Attorney	Date Admitted to CA BAR³³	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Chris Butcher	Dec 2007	253285	No
Colin Bailey	Dec 2005	239955	No
Stephen Goldberg	Dec 1994	173499	No
Tina Thomas	Nov 1979	88796	No
Kara Ueda	Dec 2000	210044	No
Barbara Chisholm	Apr 2003	224656	No
Jennifer Sung	Dec 2007	254741	No
Sarah Ropelato	Dec 2007	254848	No
Sofiah Sarabia aka Sofia Lorena Parino	Dec 2002	221379	No
Ashle Crocker	Dec 2001	215709	No
Amy Higuera	Dec 2004	232876	No
Richard Pearl	Feb 1970	46351	No
William Kennedy	Dec 1974	61701	No
Chris Butcher	Dec 2007	253285	No
Colin Bailey	Dec 2005	239955	No
Stephen Goldberg	Dec 1994	173499	No

³¹ AGENA emailed copies of its receipts in a correspondence email dated 8/28/13. AGENA requests a voluntary reduction of \$643.66 in claimed costs which we apply here.

³² AGENA incorrectly totals its claim (+ \$243). We correct this error here and use the corrected figure, rounded to the nearest dollar amount, in consideration of our award.

³³ This information was obtained at: <http://www.calbar.ca.gov/>.

Tina Thomas	Nov 1979	88796	No
Kara Ueda	Dec 2000	210044	No
Barbara Chisholm	Apr 2003	224656	No
Jennifer Sung	Dec 2007	254741	No
Eric Schultheis	Dec 2006-currently inactive	244806	No
John F. Davis	Jan 1968	41304	No
Richard M. Pearl	Feb 1970	46351	No
William C. Kennedy	Dec 1974	61701	No

C. CPUC Adoptions, Disallowances and Adjustments:

Adoptions	
2007-2012 hourly rates for C. Butcher	<p>AGENA requests the hourly rate of \$170 for Butcher's 2007 work in this proceeding. Butcher graduated from the University of California, Los Angeles with an undergraduate degree in environmental studies. In 2007, Butcher earned his law degree from King Hall at the University of California, Davis. Butcher was admitted to the California Bar in December 2007. According to AGENA, Butcher has represented clients in all phases of environmental law, land use entitlement and permitting processes, including administrative approvals and litigation. Butcher's practice at the Thomas Law Group covers the CEQA, the State Planning and Zoning Law, the Subdivision Map Act, the Williamson Act and other land conservation programs within California. According to AGENA, Butcher advocates for clients in hearings before local municipalities, state agencies, and the California Legislature. Butcher's resume was attached to AGENA's claim and supports Butcher's background and experience. Butcher was the lead counsel on the CEQA portion of the proceeding; counsel for AGENA at the pre-hearing conference and drafted and reviewed various motions, briefs and PUC submission and worked on compensation matters. D.07-01-009 adopted a range of \$145-\$200 for attorneys with 0-2 years of experience. The requested rate of \$170 is mid-range for attorneys within this range. We approve the hourly rate of \$170 for Butcher's 2007 work in this proceeding.</p> <p>AGENA requests that a 5% step increase³⁴ in addition to a 3% cost-of-living (COLA) increase³⁵ be applied to Butcher's 2007 rate of \$170. This request is reasonable and consistent with D.08-04-010. We approve the resulting hourly rate of \$185 (rounded to the nearest \$5 increment) for Butcher's 2008 work in</p>

³⁴ D.08-04-010 at 8 approved step increases for intervenor representatives with recently adopted rates, but limits the step increases to two annual increases of no more than 5% each year, within any given level of experience for each individual.

³⁵ D.08-04-010 at 2 adopted a 3% COLA increase for work performed by intervenor representatives in calendar year 2008.

	<p>this proceeding.</p> <p>AGENA requests that a final 5% step increase³⁶ be applied to the 2008 approved hourly rate of \$185 for Butcher's 2009 work. The resulting rate (rounded to the nearest \$5 increment) is \$195. We find this rate to be reasonable and adopt the 2009 hourly rate for Butcher as requested by AGENA.</p> <p>During 2010, Butcher moved into the 3-4 year level of attorney experience and within the hourly rate range of \$200-\$235. AGENA requests an hourly rate of \$215 for Butcher's 2010 work in this proceeding. AGENA submits that this figure is justified by Butcher's environmental law expertise, his significant responsibilities in the proceeding and reflects the additional PUC experience Butcher acquired throughout the proceeding. This request is reasonable and consistent with the hourly rates approved in Resolution ALJ-247. We adopt the rate as requested.</p> <p>AGENA requests that a 5% step-increase be applied to Butcher's 2010 rate.³⁷ The resulting hourly rate (rounded to the nearest \$5 increment) for Butcher's 2011 work is \$225. We find this request reasonable and adopt it here.</p> <p>In 2012, Butcher moved into the 5-7 level for attorneys. The hourly rate range for attorneys at this level \$280-\$300. The hourly rate ranges were approved in Resolution ALJ-281. AGENA seeks the hourly rate of \$280 for Butcher's 2012 work. We find the hourly rate to be reasonable. In addition, Resolution ALJ-281 approved a 2.2% COLA increase for 2012 intervenor work. We apply this approved COLA to AGENA's 2012 hourly rate request for Butcher and adopt the hourly rate of \$285 for Butcher's 2012 work.</p>
<p>2007-2012 hourly rates for C. Bailey</p>	<p>AGENA requests the hourly rate of \$190 for Bailey's 2007 work in this proceeding. Bailey graduated from The University of California Los Angeles School of Law in 2005 and was admitted to the California Bar in December 2005. Bailey graduated with certification in Public Interest Law & Policy and was a staff attorney with LSNC from 2005-2012. Bailey's past experience has focused upon land use, housing, health care and appellate practice. <i>See, e.g., Ombudsman Services of Northern California v. Superior Court</i> (2007) 154 Cal.App.4th 1233, 1242. Before joining LSNC, Mr. Bailey served as an intern in the Office of Health & Human Rights, Director General's office at the World Health Organization in Geneva, Switzerland. Bailey's resume was attached to AGENA's claim and supports Bailey's background and</p>

³⁶ This request maximizes the two annual increases of no more than 5% for an intervenor within any given level of experience approved in D.08-04-010.

³⁷ This is the first 5% step-increase request since Butcher's movement into the 3-4 year attorney range.

	<p>experience. Bailey served as lead counsel in this proceeding. Bailey's primary role included case organization, work with experts, and drafting of testimony. Bailey was also the primary contact with the client (AGENA). Bailey wrote specific sections of briefs, comments and various other submissions. The requested 2007 hourly rate of \$190 is in the upper (\$145-\$200) range established in D.07-01-009 for attorneys within this level of experience. The hourly rate request is reasonable and adopted here.</p> <p>AGENA requests an hourly rate of \$215 for Bailey's 2008 work. During this period of time, Bailey moved into the 3-4 years of experience level as an attorney. AGENA states that its requested hourly rate assumes the adoption of Bailey's 2007 hourly rate request of \$190 (which we approved), plus a 5% step-increase³⁸ and a 3% COLA adjustment.³⁹ We add the 5% step increase and 3% COLA to the 2007 rate approved here and arrive at an hourly rate of \$205. We approve the 2008 hourly rate of \$205 for Bailey's work here. During this period of time, Bailey had practiced as lead counsel before the Commission for one year. The 2008 rate adopted here is at the lower end of the range of (\$200-\$235) established for attorneys with 3-4 years of experience approved in D.08-04-010.</p> <p>AGENA requests an hourly rate of \$225 for Bailey's work in 2009. According to AGENA, this represents adoption of its 2008 requested rate of \$215, plus a 5% step-increase. During this time, Bailey had practiced as lead counsel before the Commission for two years. Although we approve the second 5% step-increase for Bailey's 2009 work,⁴⁰ we apply the 5% increase to the 2008 adopted rate of \$205. We find the hourly rate of \$215 for Bailey's 2009 work to be reasonable and within the range of (\$200-\$235) approved in ALJ-235. This rate is adopted here.</p> <p>AGENA requests an hourly rate of \$280 for Bailey's 2010 work. During this period of time, Bailey moved into the 5-7 year level of experience category with an hourly rate range of (\$280-\$300) approved in Resolution ALJ-247. During this time, Bailey had practiced as lead counsel before the Commission for three years. AGENA's hourly rate request is reasonable and adopted here.</p> <p>AGENA requests an hourly rate of \$295 for Bailey's 2011 work. This figure represents a first 5% step-increase over his 2010 rate of \$280. During this time, Bailey had practiced as lead counsel before the Commission for</p>
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³⁸ See footnote 16.

³⁹ See footnote 17. This is the first 5% step-increase requested since Bailey's movement into the 3-4 year attorney range.

⁴⁰ The approval of this request maximizes the second 5% step-increase within the 3-4 year range of experience allowed in D.08-04-010 at 8.

	<p>four years. The request is reasonable and authorized in D.08-04-010. We adopt the 2011 rate of \$295 as requested.</p> <p>AGENA requests an hourly rate of \$300 for Bailey's 2012 work. The increase represents the 2.2% COLA authorized in Resolution ALJ-281. We adopt this rate as requested.</p>
2008-2012 hourly rates for S. Goldberg	<p>AGENA requests an hourly rate of \$370 for Goldberg's 2008 work. Goldberg graduated from the Pacific McGeorge School of Law in 1994 and was admitted to the California BAR in Dec 1994. Goldberg is a senior attorney at LSNC. Goldberg joined LSNC in 1994 where he has specialized in litigation, administrative advocacy and public benefits law. According to AGENA, Goldberg has been lead counsel in several complex litigation cases involving public benefits, housing and health care. In addition, AGENA states that Goldberg also worked for Northern California Lawyers for Civil Justice, where he was lead counsel in several class actions in state and federal court and the Coalition of California Welfare Rights Organizations where he worked on complex writ of mandate cases. Mr. Goldberg has several published Court of Appeal decisions, including: <i>Siskiyou County v. State Personnel Board (Duncan)</i> (2010) 188 Cal.App.4th 1606; <i>Auburn Woods I Homeowners Association v. Fair Employment and Housing Commission (Elebiari)</i> (2004) 121 Cal.App.4th 1578; and <i>Beverly v. Anderson</i> (1999) 76 Cal.App.4th 480. Goldberg's resume was attached to AGENA's claim and supports Goldberg's background and experience.</p> <p>AGENA relies on the range ranges adopted in Resolution ALJ-267 for the basis of the houlry rate it requests. Unfortunately, this in an incorrect reference. D.08-04-010 set the houlry rates for intervenor work in 2008. For the basis of our analysis, we use the rate ranges approved in this decision. D.08-04-010 adopted an hourly rate range of \$300-\$535 for attorneys with 13+ years of experience. During this proceeding, Goldberg was in his 13th year of practice. This was Goldberg's first appearance before the Commission. AGENA states that Goldberg was lead counsel for both evidentiary hearings, and lead attorney on the IEPR and title search issues raised by Commissioner Simon and ALJ Smith. In addition, Goldberg wrote specific sections of briefs, comments, and other CPUC submissions. Goldberg also wrote and edited sections of AGENA's request for compensation. According to AGENA the requested hourly rate is reasonable as it is at the lower end of the hourly rate range approved in D.08-04-010 and is supprted by Goldberg's background and experience with complex litigation, administrative proceedings, and appellate-type work.</p> <p>When considering hourly rates, Section 1806 of the Public Utilities Code states that we must "take into consideration the market rates paid to persons of comparable training and experience who offer similar services." We have</p>

reviewed the Commission's list of hourly rates previously approved for past Commission work by intervenors. The link to this list is available at <http://www.cpuc.ca.gov/PUC/IntervenorCompGuide/>. This review confirms that there were few attorneys receiving an hourly rate at or above \$370 in 2008. We note that Melissa Kasnitz, an attorney for Disability Rights Advocates, had a rate of \$390 approved for her 2007 work in D.07-06-040. Kasnitz had 3 years of practice before the Commission when this rate was approved. Kasnitz was admitted to the California Bar in December 1992.

In D.09-03-018, we approved an hourly rate of \$400 for the 2008 work of Ronald Elsberry. Elsberry had never practiced before the Commission prior to his work in the proceeding. Elsberry however, was admitted to the California Bar in December 1987, and according to the decision, had been a 15 year staff attorney with the CA Supreme Court, including 7 years on the personal legal staff of Chief Justice Ronald M. George. The decision approved Elsberry's rate as requesting noting that it was reasonable and less than the midpoint of the (\$300-\$535) range approved for attorneys with 13+ years of experience.

Although Goldberg's 2008 appearance represents his first appearance before the Commission, Goldberg's resume⁴¹ demonstrates that he has had previous extensive litigation experience and appellate-type experience in other administrative forums and courts. We find the requested 2008 rate of \$370 to be comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services, and adopt it here.

AGENA requests that if the hourly rate of \$370 for 2008 is adopted, that it also be applied to Goldberg's 2009 work. The request is reasonable and adopted here.

AGENA requests the hourly rate of \$390 for Goldberg's 2010 work. This reflects the first 5% step-increase⁴² for Goldberg in the 13+ year of experience level for attorneys and is below the mid-range for this range (\$300-\$535)⁴³. AGENA submits that the requested rate is reasonable given Goldberg's prior non-commission practice in complex litigation, Goldberg's increased responsibilities in the proceeding during this time and the fact that at this point in the proceeding Goldberg had two years of experience in practice before the Commission. We find the requested rate to be reasonable

⁴¹ Attached to AGENA's request for compensation.

⁴² Authorized in D.08-04-010.

⁴³ Authorized in ALJ-247.

	<p>and adopt it here.</p> <p>AGENA requests that if the hourly rate of \$390 for 2010 is adopted, that it be applied to Goldberg's 2011 work also. We find the request reasonable and adopt this rate here as requested.</p> <p>AGENA requests the adoption of an hourly rate of \$415 for Goldberg's 2012 work. This represents the second 5% step increase approved in D.08-04-010 for any given level of experience. The requested rate is below the mid-point of (\$300-\$535) authorized in ALJ-281. We find the 5% step-increase to be reasonable. In addition, ALJ-281 approved a 2.2% COLA for 2012 intervenor work. We add a 5% step-increase and the COLA adjustment to Goldberg's previously approved rate of \$390 for his 2011 work and adopt the resulting 2012 hourly rate of \$420 for Goldberg work during his time.</p>
<p>2007-2012 hourly rates for T. Thomas</p>	<p>AGENA requests the hourly rate of \$450 for Thomas' work in 2007. Thomas received her J.D. from the University of San Diego in 1979 and was admitted to the California Bar in November 1979. Thomas is currently admitted to the State Bar of California, California Supreme Court, US Supreme Court, and Sacramento County Bar Association. Thomas was named as a Super Lawyer each year since 2005 in Northern California Super Lawyers Magazine. Thomas has practiced environmental law her entire career. Prior to forming Thomas Law Group, Thomas was a founding partner of Remy, Thomas, Moose & Manley, LLP (RTMM), serving as managing counsel for 28 years. Thomas's practice at RTMM focused on environmental and entitlement processes, representing developers, governmental agencies, and environmental organizations, alike. Additionally, Thomas was one of the original authors of the Guide to the California Environmental Quality Act, a text that serves as the leading reference on CEQA and an instrumental classroom resource. Thomas played an extensive role in the passage of California Senate Bill 375, authored by Senator Darrell Steinberg, which encourages smart growth and infill development.</p> <p>AGENA seeks an hourly rate of \$450 for Thomas's work in 2007. In Resolution D.07-01-009, the Commission adopted a range of \$290-\$520 for attorneys with 13+ years of experience. In 2007, Thomas had been practicing environmental law for 28 years and was recognized as one of the leading environmental lawyers in the State. In 2005, the Sacramento Bar Association named Thomas "Distinguished Attorney." From 2007-2012, the customary commercial hourly rate for Thomas's time ranged from \$475 to \$550. The \$450 rate is in the mid to upper-range of rates. Thomas's resume was attached to AGENA's request for compensation and supports her background, training and experience.</p> <p>Continuing the guidance provided in §1806 of the Public Utilities Code to</p>

“take into consideration the market rates paid to persons of comparable training and experience who offer similar services,” we have reviewed the Commission’s list of previously approved hourly rates for Commission intervenors. The link to this list is available at <http://www.cpuc.ca.gov/PUC/IntervenorCompGuide/>. This review confirms that there were less than five attorneys with approved hourly rates between the range of \$400-\$500 in 2007. We analyze AGENA requested hourly rate for Thomas by comparing two attorneys with rates of \$435 and \$500 in 2007. These individuals had approved rates closest to the \$450 rate AGENA seeks for Thomas’s 2007 work.

In 2007 in D.07-05-043, the Commission approved an hourly rate of \$435 for Robert Finkelstein, an attorney for The Utility Reform Network (TURN). During this time, Finkelstein had more than 10 years of practice before the Commission. Finkelstein has been with TURN since 1992, serving for many years as TURN’s chief advocate on electric issues. Finkelstein served as TURN’s executive director from 2003-2007 and returned to full-time lawyering as legal director in 2008. Finkelstein now serves as TURN’s General Counsel.

Prior to joining TURN, Finkelstein was a staff attorney for Legal Services of Northern California in Sacramento, where he focused on healthcare issues. Finkelstein also worked as a managing attorney for a legal services program serving members of the Navajo Nation in Chinle, Arizona. Finkelstein has an undergraduate degree from the University of California at Santa Cruz and received his JD degree from the Northeastern School of Law in Boston. Finkelstein was admitted to the California Bar in November 1990.

In 2007 in D.07-05-043, the Commission approved an hourly rate of \$500 for Michel Florio, an attorney for TURN. Florio currently serves as a Commissioner for the CPUC. Prior to this appointment, Commissioner Florio was a senior attorney at TURN, and served in that capacity since 1978, and had been actively participating in Commission proceedings for nearly 30 years. Commissioner Florio is a member of California Conference of Public Utility Counsel. He was also a member of the board of governors of the California Independent System Operator from 1997 to 2005. Commissioner Florio holds a J.D. from New York University School of Law, a M.P.A. from the Woodrow Wilson School at Princeton University and a B.A. from Bowling Green State University. He was admitted to the California Bar in November 1978.

Based on these comparisons, we find the 2007 hourly rate request of \$450 to be reasonable. Thomas had 28 years of experience as an attorney at the start of this proceeding. Based on a review of her resume and her extensive

background and experience in the practice of environmental law, the \$450 is reasonable and in the mid to upper range of (\$290-\$520) adopted for attorneys with 13+ years of experience in D.07-01-009. We adopt the 2007 rate as requested.

AGENA seeks an hourly rate of \$465 for Thomas's work in 2008. This represents a 3% COLA increase. D.08-04-010 at 26 authorized an hourly rate COLA of 3% (rounded to nearest \$5 increment) above rates adopted for 2007. In 2008, Thomas had acquired her first year of experience working in a Commission proceeding. The requested 2008 rate of \$465 is reasonable and adopted here.

AGENA seeks the same hourly rate of \$465 for Thomas's work in 2009. During this time period, Thomas had acquired a second year of experience working in a Commission proceeding. The requested 2009 rate of \$465 is reasonable and adopted here.

AGENA seeks the hourly rate of \$490 for Thomas's work in 2010. During this year, Thomas had acquired a third year of experience working in a Commission proceeding. The requested rate represents the first 5% step increase for Thomas above her adopted 2008-2009 rate within the 13+ level of experience range approved in D.08-04-010. The requested rate is reasonable and consistent with the guidelines set forth in the same decision.⁴⁴

AGENA requests that the same 2010 hourly rate of \$490 be applied to Thomas's work in 2011. During this time, Thomas had acquired a fourth year of experience working in a Commission proceeding. We adopt the 2011 hourly rate of \$490 as requested.

AGENA requests approval of an hourly rate of \$515 for Thomas's work in 2012. During this time, Thomas had acquired a fifth year of experience working in a Commission proceeding. AGENA submits that the requested rate represents the second 5% step increase for Thomas in the 13+ year level of experience for attorneys. We approve the requested step increase in addition to the 2.2% COLA approved in Resolution ALJ-281 for 2012 intervenor work. We adopt a 2012 rate for Thomas of \$525, this places Thomas at the upper end, although not at the top of the range of (\$305-\$545) approved in Resolution ALJ-281. We adopt the 2012 hourly rate of \$525 for Thomas's 2012 work.

⁴⁴ See footnote 20.

<p>2011-2012 hourly rates for K. Ueda</p>	<p>AGENA requests an hourly rate of \$340 for Ueda's 2011 work. Ueda received her J.D. from the University of California, Davis School of Law in 2000 and was admitted to the California Bar in December 2000. Prior to joining Best Best & Krieger LLP, Ueda was a shareholder with the Sacramento-based McDonough Holland & Allen PC firm. Ueda practices in the areas of municipal law, environmental, and land use and has an active practice in litigation involving the CEQA. Ueda was named a Rising Star in 2012 Northern California Super Lawyers magazine. Ueda has no previously approved rates set for work before the Commission. Ueda began working on this matter in 2011 and participated in drafting AGENA's comments on numerous aspects of the ALJ's proposed decision and the alternate proposed decisions and in editing AGENA's comments. Ueda's resume was attached to AGENA's claim and supports Ueda's background and experience.</p> <p>In Resolution ALJ-267, the Commission adopted a 2011 range of (\$300-\$355) for attorneys with 8-12 years of experience. In 2011, Ms. Ueda was in her 11th year of practice. The \$340 rate is in the upper end of the mid-range of rates for attorneys with 8-12 years of experience. The hourly rate request is reasonable and similar to our review of "persons of comparable training and experience who offer similar services." We adopt the 2011 hourly rate of \$340 as requested.</p> <p>AGENA requests that the 2011 approved rate of \$340 additionally be applied to Ueda's 2012 work. We approve this rate and add to it the 2.2% COLA approved for 2012 intervenor work in Resolution ALJ-281. The resulting hourly rate (rounded to the nearest \$5 increment) is \$350. We adopt this rate here.</p>
<p>2009 B. Chisholm hourly rate</p>	<p>Chisholm is a 2001 graduate of Howard University School of Law. Chisholm joined Altshuler Berzon in 2002, after first clerking in U.S. District Court for the District of Columbia. Chisholm became a member of the Maryland Bar in 2001, and subsequently a member of the California Bar in April 2003. As an associate and now a partner at Altshuler Berzon, Chisholm has had an active practice in environmental litigation, including cases involving compliance with the CEQA. Chisholm took the lead in preparing AGENA's comments on numerous aspects of the draft EIR, and also assisted in editing all of AGENA's comments on the draft EIR. Chisholm also drafted AGENA's response to a motion for a new public participation hearing. Chisholm's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Chisholm.</p> <p>AGENA seeks an hourly rate of \$325 for Chisholm's work in 2009. Resolution ALJ-235 adopted an hourly rate range of (\$300 to \$355) for attorneys in the 8-12 year level of experience. In 2009, Chisholm was in her eighth year of practice as an attorney focusing on environmental litigation. In</p>

	<p>2009, she also had experience in matters before the Commission and the Commission's rules and proceedings, both through her role as a member of an environmental organization's board and legal committee, which was involved in proceedings before the Commission, and through representation of a client in litigation involving the Commission's rules and procedures. Chisholm's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Chisholm. AGENA's rate request of \$325 for Chisholm's 2009 work is reasonable and adopted here.</p>
2009 J. Sung hourly rate request	<p>Sung is a 2004 graduate of Yale Law School. She joined Altshuler Berzon in 2007, after first clerking on the U.S. Court of Appeals for the Ninth Circuit, and working for two years at the Brennan Center for Justice. Sung joined the New York Bar in January 2006 and subsequently joined the California bar in December 2007. While at the Brennan Center and at Altshuler Berzon, Sung litigated a broad variety of public interest cases, and her practice areas have included environmental law and civil rights and constitutional litigation. Sung drafted significant portions of AGENA's comments on the draft EIR.</p> <p>AGENA seeks an hourly rate of \$235 for Sung's work in 2009. ALJ-235 approved the rate range of (\$200-\$235) for attorneys in the 3-4 year level of experience. In 2009, Sung was in her fourth year of practice, and had worked on several significant cases involving the protection of civil rights and laws regarding public participation. Sung's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Sung. AGENA is seeking compensation at the top end of the 2009 range because Sung had significant litigation and subject matter expertise at the time she performed the work.</p> <p>Given Sung's background, training and experience, an hourly rate at the upper rate of the range is warranted. We adopt an hourly rate of \$235 for Sung's 2009 work here.</p>
2008-2012 hourly rates for S. Ropelato	<p>Ropelato is a staff attorney in LSNC's Sacramento office. Ropelato received her JD degree from UC Davis School of Law in 2007, where she graduated with honors, Order of the Coif. Ropelato was admitted to the California Bar in December 2007, and since then has litigated before a variety of courts and administrative tribunals including the Third District Court of Appeal, Sacramento County Superior Court, Sacramento Housing and Redevelopment Agency, California Department of Social Services, and the Social Security Administration. Ropelato has been heavily involved in all aspects of litigation, including discovery and trial. This is Ropelato's first appearance before the Commission. Ropelato's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Ropelato.</p> <p>AGENA seeks an hourly rate of \$175 for Ropelato's work in 2008. Ropelato was in her first year of practice in 2008. The requested hourly rate is in the</p>

	<p>mid range of (\$150-\$205), established in D.08-04-010 for attorneys in the 0-2 year level of experience. The hourly rate request is reasonable and we adopt it.</p> <p>AGENA seeks an hourly rate of \$185 for Ropelato's 2009 work. This represents the first 5% step increase for Ropelato in the 0-2 yr level of experience for attorneys authorized in D.08-04-010 and Resolution ALJ-235. This rate request is reasonable and adopted here.</p> <p>AGENA seeks an hourly rate of \$200 for Ropelato's work in 2010. If approved, this would represent an increase of 8%. Instead, we apply a second 5% step increase to the approved 2009 rate of \$185 and adopt the more reasonable hourly rate of \$195 for Ropelato's work in 2010. In 2009, Ropelato had only two years of practice before the Commission.</p> <p>AGENA seeks an hourly rate rate of \$225 for Ropelato's 2011 work. This represents Ropelato's movement into the 3-4 year range of (\$200-\$235) approved in Resolution ALJ-235. Ropelato had been practicing before the Commission for approximately 3 years. The hourly rate request is reasonable and adopted here.</p> <p>AGENA seeks an hourly rate of \$280 for Ropelato's work in 2012. This reflects Ropelato's movement into the 5-7 year level for attorneys with an hourly rate range of (\$285-\$305) approved in Resolution ALJ-281. We adopt the hourly rate of \$285 which applies the 2.2% COLA increase authorized for 2012 intervenor work because AGENA's request for compensation was submitted before the approval of this COLA.</p>
2007 hourly rates for S. Sarabia	<p>AGENA requests the hourly rate of \$280 for Sarabia's 2007 work. Sarabia graduated from the University of San Diego School of Law in 2002, and was admitted to the State Bar in December 2002. In 2003, Sarabia joined LSNC as an environmental law fellow. She was hired as a staff attorney in 2004 at LSNC where her focused on land use and issues of poverty and the environment. Ms Sarabia served as counsel to more than one dozen nonprofit organizations in Sacramento. She left LSNC in 2009 and is currently a staff attorney at the Center for Race, Poverty & the Environment. Sarabia's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Sarabia.</p> <p>AGENA seeks an hourly rate of \$280 for Ms. Sarabia's work in 2007. Sarabia was in her sixth year of practice in 2007, and the \$280 hourly rate is in the middle of the (\$270-\$290) hourly rate range set for attorneys with 5-7 years of experience in D.07-01-009. The hourly rate request is reasonable and adopted here.</p>

<p>2007-2012 hourly rates for A. Crocker</p>	<p>AGENA requests the hourly rate of \$280 for Crocker's 2007 work. Crocker received her J.D. from the University of San Francisco in 2001 and was admitted to the California Bar in December 2001. Prior to joining Thomas Law Group, Crocker was an associate (2001-2006), partner (2006-2010) and of counsel (2010-2012) with Remy, Thomas, Moose & Manley, LLP. Crocker has represented public and private clients in all phases of land use entitlement and permitting, from the administrative stage through project approvals and litigation, encompassing permitting and environmental review for large-scale master-planned communities, hospitals and medical campuses, industrial facilities, hotels and office buildings, retail development, and residential subdivisions. Crocker specializes in environmental, land use, and natural resource litigation, including compliance with the CEQA, National Environmental Policy Act, Subdivision Map Act, California Endangered Species Act, and the Williamson Act. Crocker was named a Rising Star in 2010 and 2011 Northern California Super Lawyers Magazine. Crocker's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Crocker.</p> <p>In D.07-01-009, the Commission authorized a rate range of (\$270-290) for attorneys with 5-7 years of experience. Crocker had six years of experience in 2007. If approved, AGENA's requested hourly rate would place Crocker in the middle of the 5-7 year range. The hourly rate request is reasonable and is adopted.</p> <p>AGENA requests an hourly rate of \$300 for Crocker's work in 2008. This figure includes a first 5% step increase⁴⁵ over Crocker's approved 2007 rate and a 3% COLA.⁴⁶ The hourly rate request is reasonable and we approve it.⁴⁷</p> <p>AGENA requests an hourly rate of \$325 for Crocker's work in 2009. During this period of time, Crocker had eight years of experience and had entered the (\$300-\$355) hourly rate range approved with attorneys with 8-12 years of experience in ALJ-235. The requested rate places Crocker at the lower rate of the approved range, and appropriate given the CPUC experience that Crocker had acquired in addition to her environmental law expertise. We find the requested 2009 hourly rate to be reasonable and adopt it.</p> <p>AGENA seeks an hourly rate of \$325, for Crocker's work in 2010, the same</p>
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⁴⁵ D.08-04-010 at 8 approved step increases for intervenor representatives with recently adopted rates, but limits the step increases to two annual increases of no more than 5% each year, within any given level of experience for each individual.

⁴⁶ Authorized in D.07-01-009.

⁴⁷ Rounded to the nearest \$5.00 increment.

	<p>rate approved in 2009. In 2010, Crocker had nine years of experience and remained in the 8-12 year range of (\$300-\$355). AGENA's rate request is reasonable and is adopted.</p> <p>AGENA seeks an hourly rate of \$340 for Crocker's 2011 work. This represents a first 5% step increase within the 8-12 yr. experience level of (\$300-\$355) approved in Resolution ALJ-267, and slightly above the middle of the range. Crocker had acquired ten years of experience during this time period. The requested rate is reasonable and is adopted.</p> <p>AGENA seeks an hourly rate of \$340 for Crocker's 2012 work, the same rate approved in 2011. In 2011, Crocker had 11 years of experience. AGENA's rate request is reasonable. In addition, we apply the 2.2% COLA increase authorized for 2012 intervenor work in Resolution ALJ-281 with a resulting hourly rate of \$345 which we adopt here.</p>
<p>2008 hourly rate for A. Higuera</p>	<p>AGENA seeks an hourly rate of \$235 for Higuera 2008 work. Higuera received her J.D. from the University of the Pacific, McGeorge School of Law in 2004, and was admitted to the California Bar in December 2004. Prior to joining Thomas Law Group, Higuera was an associate with Remy, Thomas, Moose & Manley, LLP (RTMM) (2005-2010) and an associate with Buchalter Nemer (2010-2011). In her career, Higuera has successfully represented numerous clients in achieving favorable results in environmental law and land use entitlement matters, and has a depth of experience with the CEQA, among many other federal and state environmental laws. Specifically, her practice includes representation and litigation involving CEQA, the Cortese-Knox-Hertzberg Government Reorganization Act of 2000 (LAFCo Act), the Subdivision Map Act, the Williamson Act, the California Endangered Species Act, the National Environmental Policy Act, the federal Endangered Species Act and the federal Clean Water Act provisions associated with wetlands permitting. Higuera also has experience representing real estate developers with the acquisition and disposition of commercial real estate, including due diligence title and zoning compliance review, as well as drafting and negotiating commercial leases. Higuera's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Higuera.</p> <p>AGENA seeks an hourly rate of \$235 for Higuera's work in 2008. In D.08-04-010, the Commission adopted a range of (\$200-\$235) for attorneys with 3-4 years of experience. In 2008, Higuera had four years of experience, the rate as requested would set Higuera at the top of the 3-4 yr. level of experience range. The hourly rate request is reasonable and is adopted.</p>

2010-2012 hourly rates for R. Bremault	<p>AGENA requests an hourly rate of \$235 for Bremault's 2010 work. This is the first request for compensation that includes hours for Robert M. Bremault. Bremault is an independent consultant and a university instructor at the University of California at Davis Extension, Energy Resource Management Certificate Program. Bremault's consulting practice specializes in supply-side, demand-side, regulatory, environmental and leadership matters affecting the utility industry. Bremault is a registered professional engineer in the Province of Alberta, Canada. Bremault received a Bachelor of Science degree in Mechanical Engineering from the University of Alberta in 1986 and a Masters in Business Administration from the University of California at Davis in 1998. Bremault's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Bremault.</p> <p>AGENA seeks an hourly rate of \$235 for Bremault's work in 2010. In Resolution ALJ-247, the Commission adopted a range of (\$155-\$390) for a experts with 13+ years of experience. In 2010, Bremault had been practicing as an energy consultant for 24 years. The \$235 rate is in the mid range of the rates approved. AGENA submits that this compares favorably to the rate set by the Commission for expert Kevin Woodruff, who works in a similar field but has slightly less experience. Mr. Woodruff's rate was set at \$235 in D.12-06-014. AGENA's requested rate is reasonable and comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services. We approve Bremault's 2010 hourly requested by AGENA.</p> <p>AGENA seeks the same hourly rate of \$235 for Bremault's work in 2011. We approved the rate as requested for Bremault's 2010 work and find the hourly rate request to be reasonable and adopt it.</p> <p>AGENA seeks an hourly rate of \$245 for Bremault's work in 2012. In 2012, Bremault had been practicing as an energy consultant for 26 years. The requested hourly rate represents the rate of \$235 approved as discussed above, in addition to a 5% step increase to reflect his Commission experience.⁴⁸ We also include the 2.2% COLA approved in Resolution ALJ-281 for 2012 intervenor work, with a resulting 2012 hourly rate of \$250. We adopt this rate for Bremault's 2012 work.</p>
2009 and 2011 hourly rates for R. Casias	<p>AGENA requests an hourly rate of \$220 for Casias's 2009 work. This is the first request for compensation that includes hours for Richard C. Casias. Casias is a registered Professional Geologist in California. He is the Principal Hydrogeologist and Managing Member of the RCC Group, LLC (RCC). RCC is a Davis, California-based environmental consulting practice, with more than 25 years of professional experience in providing these services to</p>

⁴⁸ Rate rounded to nearest \$5 increment.

	<p>the regulated community, with a focus on environmental management systems, hydrogeologic, watershed and environmental engineering studies. Mr. Casias has over 25 years of experience in groundwater and watershed hydrology, as well as groundwater quality protection. Mr. Casias received his Bachelor of Science degree in Geology in 1980 from the University of California at Davis. Casias' resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Casias.</p> <p>AGENA seeks an hourly rate of \$220 for Casias' 2009 work. In Resolution ALJ-267, the Commission adopted a range of (\$155-\$390) for a experts with 13+ years of experience. In 2011, Casias had been practicing as a hydrogeologist consultant for over 30 years. The \$220 rate is in the mid to upper-range of approved rates. AGENA submits that in light of Casias' experience, the hourly rate request is modest. The rate compares favorably to the rate set by the Commission for Dr. Alvin Greenberg, who works in a somewhat related field but has three years less experience. Dr. Greenberg's 2007 rate was set at \$215 for his work in D.09-01-035. The requested hourly rate is reasonable and comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services. We approve Casias' requested 2009 hourly rate.</p> <p>AGENA seeks an hourly rate of \$230 for Casias's 2011 work. The request includes a first 5% step increase for Casias in the 13+ yr. level of experience for experts approved in Resolution ALJ-267. The request is reasonable and the step increase is authorized in D.08-04-010. We approve the rate requested.</p>
<p>2010 hourly rate for R. Ferguson</p>	<p>AGENA requests an hourly rate of \$190 for Richard Ferguson's 2010 work. Ferguson has previously testified in Long Term Procurement Proceeding R.06-02-013, but did not seek compensation for that work. Ferguson has no previous hourly rates set by the Commission. Ferguson is the Research Director of the Center for Energy Efficiency and Renewable Technologies (CEERT). Ferguson has directed CEERT's research program for 17 years, a program which assesses electricity supply and demand issues at the local, state and regional levels and which provides the technical support for CEERT's advocacy for expanded energy efficiency programs and increased reliance on renewable energy resources in a variety of venues, including this Commission. Ferguson has also served as coordinator for the state's Renewable Energy Transmission Initiative, which assesses the implications of the state's renewable energy policies for the electric transmission system. Ferguson received his B.A. in Physics at Amherst College in 1960 and his Ph.D. in Physics at Washington University in 1967. Ferguson's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Ferguson.</p>

	<p>Resolution ALJ-247 adopted an hourly rate range of (\$155-\$390) for experts with 13+ years of experience. In 2010, Ferguson had been practicing as an energy consultant for 16 years. The 2010 hourly rate request is at the lower end of the approved range. The request compares favorably to the rate set by the Commission expert Kevin Woodruff, who works in a similar field and has seven more years of experience. Woodruff's 2010 rate was set at \$235 in D.12-06-014. AGENA's 2010 hourly rate request is reasonable and comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services. We approve Ferguson's 2010 hourly rate of \$190 as requested.</p>
<p>2010 hourly rate of R. Mistretta</p>	<p>Mistretta has no previously adopted rates for Commission work. Mistretta is an independent business owner and Certified Public Accountant. He earned a Masters in Business Administration from the University of California at Berkeley in 1975 and two Bachelor's degrees, one in Civil Engineering and another in Economics, from Union College in Schenectady, New York in 1973. Mistretta's areas of expertise include business accounting, finance, and forensic economics. Mistretta has been engaged as an expert witness in hundreds of cases and testified as an expert witness in dozens of cases. Mistretta's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Mistretta.</p> <p>AGENA seeks an hourly rate of \$245 for Mistretta's 2010 work. Resolution ALJ-247 adopted an hourly rate range of (\$155-\$390) for experts with 13+ years of experience. In 2010, Mistretta had been practicing as an accounting and economics consultant for 35 years. The 2010 hourly rate request of \$245 is at the middle of the approved range. The hourly rate request is reasonable and comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services. We approve Mistretta's 2010 hourly rate of \$245 as requested.</p>
<p>2007-2012 hourly rates for J. Robertson</p>	<p>John Robertson has no prior rates set for Commission work. Robertson has forty years of experience working as an engineer (registered in the State of California) working in various fields of petroleum, geothermal, property evaluation, energy, computers and environmental engineering. Robertson received his Bachelor of Science Degree in Petroleum Engineering in 1963, a Masters in Petroleum Engineering in 1964, and a Ph.D. in Engineering in 1976 each from the University of Southern California. Robertson's dissertation was in the area of clay chemistry. Robertson is also a California registered engineer and a petroleum appraiser. Robertson specializes in the geology of underground gas storage and has written several papers and book chapters on the subject. Robertson's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Robertson.</p> <p>AGENA seeks an hourly rate of \$260 for Robertson's work in 2007. D.07-01-009, adopted a range of (\$150-\$380) for experts with 13+ years of</p>

	<p>experience. In 2007, Robertson had been practicing as an engineering consultant with a specialty in petroleum engineering for 42 years. The requested rate of \$260 rate is in the mid to upper-range of rates set for expert hourly rates in D.07-01-009. The rate requested compares favorably to the rate awarded to Alvin Greenberg, who worked in a related field but had approximately 15 years less experience. In D.09-01-035, Greenberg was awarded an hourly rate of \$215 for his 2007 Commission work. The hourly rate request is reasonable and comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services. We approve Robertson's 2007 hourly rate of \$260 as requested.</p> <p>AGENA seeks an hourly rate of \$265 for Robertson's 2008 work. This represents a 3% COLA increase above his approved 2008 rate of \$260. D.08-04-010 authorized a 3% COLA for 2008 intervenor work. As such, we approve the rate requested.</p> <p>AGENA seeks an hourly rate of \$280 for Robertson's 2009 work. According to AGENA, in 2009, Robertson had been working as an engineering consultant with a specialty in petroleum engineering for 44 years. The requested rate represents the approved 2008 rate of \$265, plus a 5% step increase (rounded to the nearest \$5 increment), reflecting the fact that during this time, Robertson had been practicing before the Commission for 2 years. We find the requested rate to be reasonable and consistent with D.08-04-010.⁴⁹</p> <p>AGENA seeks an hourly rate of \$280 for Robertson's 2010 rate, equal to the same hourly rate approved for Robertson's 2009 work. In 2010, Robertson had been practicing as an engineering consultant with a specialty in petroleum for 45 years and had been involved in this proceeding for 3 years. We approve Robertson's 2010 rate as requested.</p> <p>AGENA seeks an hourly rate of \$295 for Robertson's 2011 work. The rate reflects the second 5% step increase (rounded to nearest \$5 increment), approved in D.08-04-010. The rate request is reasonable and is adopted.</p> <p>AGENA seeks an hourly rate of \$295 for Robertson's 2012 work. This equals the same hourly rate we approve here for Robertson's 2011 work. We approve the rate as requested in addition to applying the 2.2% COLA authorized in Resolution ALJ-281 for intervenor work for this year. The resulting hourly rate is \$300, which we adopt here.</p>
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⁴⁹ See footnote 40.

2010-2011 hourly rates for K. Woodruff	<p>Kevin Woodruff is the Principal of the consulting firm of Woodruff Expert Services. Woodruff has testified before the Commission dating as far back as 2003, principally regarding electric utility resource planning and procurement and project valuation issues. Woodruff received his B.A. in Economics from the University of California at Berkeley in 1976 and an Masters in Business Administration from the California State University of Sacramento in 1990. The Commission has previously found Woodruff's 2010 rate of \$225 in A.09-10-022 and his 2011 rate of \$235 in A.10-07-017 to be reasonable. We apply the same hourly rates here.</p>
2007-2008 hourly rates for E. Schultheis	<p>AGENA requests an 2007 rate of \$120 for Schultheis's work in this proceeding. Schultheis has no previously approved rates for prior work before the Commission. Schultheis is a staff attorney employed by Legal Services of Northern California. Schultheis obtained a Bachelor of Arts degree from Wesleyan University and a Juris Doctorate from the University of Southern California. Schultheis was admitted to practice law in the State of California in December 2006. A search of the California B.A.R. indicates that Schultheis's status is inactive. According to AGENA, Schultheis legal practice requires him to perform GIS and data analysis for projects such as the Race Equity Project, a special project of LSNC. Schultheis has presented on the use and application of GIS in legal advocacy at the 2008 National Legal Aid & Defenders Association Directors of Litigation and Advocacy Conference in San Francisco, California. In addition to creating GIS products and developing GIS solutions for Legal Services of Northern California, Schultheis serves as a GIS advisor for the Coalition on Regional Equity, collaboration between the Sacramento Housing Alliance, the University of California, Davis, and numerous Sacramento area organizations. Schultheis has also instructed law students at the University of California, Davis School of Law on the use of spatial analysis and GIS in legal advocacy. Schultheis's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Schultheis.</p> <p>AGENA seeks an hourly rate of \$120 for Schultheis's work in 2007. D.07-01-009, adopted a range of (\$120-\$180) for experts with 0-6 years of experience. AGENA's rate request for Schultheis is at the lowest end of the rate range. The hourly rate request is reasonable and adopt it.</p> <p>AGENA seeks an hourly rate of \$125 for Schultheis's 2008 work. In 2008 Schultheis had been practicing law for 2 years. The hourly rate request includes a 3% COLA authorized in D.08-04-010 for intervenor work in 2008. We find the requested hourly rate resonable and adopt it.</p>

<p>2008-2011 hourly rates for C. Williams</p>	<p>This is the first request for compensation that includes hours for Clyde Thomas Williams. Williams has 45 years of experience in Tertiary and Quaternary geology in central and southern California, India, the Middle East and Africa. Williams received degrees in Geology and Zoology in 1958, in Zoology in 1966 from the University of Kansas, and in Paleontology-Geology and Zoology from the University of California at Berkeley in 1974. Williams' resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Williams.</p> <p>AGENA seeks an hourly rate of \$250 for Williams' work in 2008. In D.07-01-009, the Commission adopted a range of (\$155-\$390) for experts with 13+ years of experience. In 2008, Williams had been practicing as a Tertiary and Quaternary geologist consultant for 36 years. The \$250 rate is in the middle of the approved range. This rate compares favorably to the rate awarded to Alvin Greenberg, who works in a related field but has approximately 10 years less experience. Greenberg was awarded \$215 for his 2007 work in D.09-01-035. The requested hourly rate is reasonable and comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services. We approve Williams' 2007 hourly rate of \$250 as requested.</p> <p>AGENA seeks an hourly rate of \$260 for Williams' work in 2009. This reflects a first 5% step increase authorized in D.08-04-010 for experts in the 13+ year level of experience. The hourly rate request is reasonable and is adopted.</p> <p>Per AGENA's request, we apply the same 2009 hourly rate of \$260 to Williams' 2010 work in the proceeding and adopt it.</p> <p>Finally, AGENA seeks an hourly rate of \$270 for Williams' 2011 work. This reflects a second 5% step increase (rounded to the nearest \$5 increment) authorized in D.08-04-010 for experts with 13+ years of experience. In 2011, Williams had been practicing as a Tertiary and Quaternary geologist consultant for 39 years. The hourly rate request is reasonable and is adopted.</p>
<p>2009 and 2012 hourly rates for A. Greenberg</p>	<p>In D.09-01-035, the Commission adopted the rate of \$215 for the work of Alvin Greenberg. This is at the lower range of (\$155-\$390) approved for experts with 13+ years of experience in ALJ-235. Greenberg has over two decades of experience managing technical teams preparing human and ecological risk assessments, air quality assessments, hazardous materials handling and risk management / prevention studies, infrastructure vulnerability assessments, occupational safety and health studies, hazardous waste site characterizations, and similar surveys and studies. Greenberg is the former Chair of the Bay Air Quality Management District Hearing Board, a former member of the State of California Occupational Health and Safety</p>

	<p>Standards Board (appointed by the Governor), and former Assistant Deputy Chief for Health, California OSHA. Greenberg has also been appointed as a member of several state and federal advisory committees, including the California EPA Advisory Committee on Stochastic Risk Assessment Methods, the U.S. EPA Workgroup on Cumulative Risks of Using Ethanol in Reformulated Gasoline, the California Air Resources Board Advisory Committee on Diesel Emissions, the Cal/EPA Department of Toxic Substances Control Program Review Committee, and the DTSC Integrated Site Mitigation Committee. Greenberg received his Bachelor of Science from the University of Illinois in 1969 and a Ph.D. in Pharmaceutical/Medicinal Chemistry from the University of California at San Francisco in 1976. Greenberg's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Greenberg.</p> <p>Consistent with the Commission's prior hourly rate award for Greenberg's 2009 work, we apply the same hourly rate to Greenberg's work here.</p> <p>AGENA seeks an hourly rate of \$225 for Greenberg's 2011 work. This represents the first 5% step increase (rounded to nearest \$5 increment) authorized in D.08-04-010 for an individual within any given level of experience. The rate request is reasonable and comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services. We approve Greenberg's 2011 rate as requested.</p>
<p>2009-2012 hourly rates of M. Johnson</p>	<p>This is the first request for compensation that includes hours for Michael L. Johnson. Johnson is the Director of the John Muir Institute's Aquatic Ecosystems Laboratory and according to AGENA, has substantial experience studying water quality and aquatic toxicology. Johnson received his B.A. and M.A. from the University of Colorado, and his Ph.D. from the University of Kansas. Johnson's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Johnson.</p> <p>AGENA seeks an hourly rate of \$210 for Johnson's work in 2009. In Resolution ALJ-235, the Commission adopted a range of (\$155-\$390) for an expert with 13+ years of experience. In 2009, Johnson had been practicing as a water quality consultant for 25 years. The \$210 rate is at the lower range of the rates set in Resolution ALJ-235. This rate compares favorably to the rate awarded to Alvin Greenberg, who works in a related field and has approximately 2 years more experience. Dr. Greenberg was awarded \$215 per hour for his 2007 work in D. 09-01-035. The requested hourly rate is reasonable and comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services. We approve Johnson's 2009 rate as requested.</p> <p>AGENA requests that the same hourly rate we approve here for Johnson's 2009 work also be applied to his 2010-2012 work. This request is</p>

	approved as being reasonable. We adopt an hourly rate of \$210 for Johnson's 2010-2011 work. For Johnson's 2012 work, we also apply the 2.2% COLA authorized in Resolution ALJ-281 with a resulting hourly rate of \$215 (rounded to nearest \$5 increment) and adopt this rate.
2008-2009 hourly rates of J. Davis	<p>This is the first request for compensation that includes hours for John F. Davis of Legal Services of Northern California. Davis received his LL.B. from the Harvard Law School in 1967. Davis was admitted to the State Bar of California in January 1968. Davis has served as an Adjunct Professor at McGeorge School of Law and a Lecturer at the University of California at Davis School of Law teaching real property and land finance. Davis is a transactional law staff attorney for Legal Services and, in this capacity, regularly reviews and prepares corporate documents, leases, purchase agreements, and settlement agreements. According to AGENA, Davis is an acknowledged expert in real property transactions. Davis's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Davis.</p> <p>AGENA seeks an hourly rate of \$265 for Mr. Davis's work in 2008. In D.08-04-010, the Commission approved a range of (\$155-\$390) for experts with 13+ years of experience. In 2008, Davis had been practicing for 41 years. The hourly rate request is slightly higher than mid-range of the range approved for experts with 13+ years of experience. The requested hourly rate is reasonable and comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services. We approve Davis's 2008 rate as requested.</p> <p>As requested by AGENA, we adopt the same hourly rate of \$265 for Davis's work in 2009.</p>
2009 hourly rate for Law Clerks	The Commission approved an hourly rate of \$100 in 2009 ⁵⁰ for the work of law clerks. We apply the same hourly rate to the 2009 work of AGENA's law clerks.
2007-2012 hourly rates for Paralegal	We find the requested 2007-2012 hourly rate of \$50 to be reasonable and consistent with past compensation awards for paralegal work. ⁵¹ We approve the hourly rate of \$50 for AGENA's paralegal work from 2007-2012.
2011-2012 hourly rates for R. Pearl	AGENA seeks a 2011 hourly rate of \$270 for Richard Pearl's work in this proceeding. Pearl has no previously set rates practicing before the Commission. Pearl is a 43 year attorney hired by AGENA and its attorneys to handle and coordinate the claim process because of his experience with attorney fee claims in a variety of forums and due to the heavy burden this responsibility would have placed on AGENA's other law firms. According to AGENA, Pearl is a leading litigator of attorney fee issues in the State of

⁵⁰ See D.11-03-025.

⁵¹ See D.07-06-040, D.09-07-017, D.09-07-013 and D.12-06-012.

	<p>California. Pearl was admitted to the California Bar in February 1970. Pearl's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Pearl. According to Pearl, he focused on fee issues and relied exclusively on AGENA's other law firms to draft sections of the claim which dealt with AGENA's participation by major issue and in areas where a substantial contribution was claimed. Pearl's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Pearl.</p> <p>The requested 2011 rate of \$270 would place Pearl at top of the (\$300-\$535) range approved for attorney's with 13+ years of experience in Resolution ALJ-267. We find the rate request reasonable and comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services. We approve Pearl's 2011 rate as requested.</p> <p>As requested by AGENA, we apply the same hourly rate of \$270 to Pearl's work in 2012 in addition to adding the 2.2% COLA authorized in Resolution ALJ-281. The resulting 2012 hourly rate (rounded to the nearest \$5 increment) is \$275. We adopt this rate as adjusted.</p>
2012 hourly rate for W. Kennedy	<p>According to AGENA, William Kennedy has been , LSNC's Managing Attorney (since 1990). Prior to this, Kennedy worked from 1974-1985 as the Directing Attorney for California Rural Legal Assistance in Modesto CA and from 1985-1990 as a staff attorney for Channel Counties Legal Services Association in Oxnard, CA. According to AGENA, Kennedy supervised the attorneys who did much of the work done on this case. Kennedy took primary responsibility for presenting the factual basis for LSNC's claim, i.e. reviewing and coding time records, resumes, etc. Kennedy is a 38-year attorney and was hired by AGENA and its attorneys to coordinate and present AGENA's request for compensation. Kennedy's resume was attached to AGENA's claim and supports AGENA's claimed background and experience for Kennedy.</p> <p>The 2012 requested rate of \$250 for Kennedy is at the lower rate of the range of (\$305-\$545) approved for attorneys with 13+ years of experience in Resolution ALJ-281. We adopt this rate as requested.</p>

Disallowances			
<i>AGENA made voluntary reductions to its hours in order to ensure that non-compensable time would not be compensated. In addition, we have performed a line item review of the participant timesheets submitted by AGENA, and list below other categories where further reductions are warranted.</i>			
<u>Clerical Work</u>			
<p>The Commission does not compensate clerical tasks as they are subsumed in the fees paid to attorneys.⁵² Examples of these tasks include but are not limited to: “printing and forwarding SNGS lease to JD and SS, printing list of properties, printing city comments, downloading docs and mailing to team, printing and scanning of documents, downloading PRA requests, transferring 108 property list to pdf, picking up color copies for presentation, printed SNGS to serve under seal.”</p>			
Disallowances for Clerical Tasks:			
2007 Bailey-	2.3 hrs.		
2008 Bailey-	24.8 hrs.		
2008 Ropelato-	0.6 hrs.		
2008 Butcher-	51.75 hrs.		
2009 Bailey-	9.3 hrs.		
2010 Bailey-	16.0 hrs.		
2010 Ropelato	0.5 hrs.		
2011 Bailey-	9.3 hrs		
2012 Bailey-	2.1 hrs		
<u>Unrelated Activities</u>			
<p>We disallow hours for activities not required for AGENA’s participation in the proceeding. Examples of these tasks include but are not limited to: “city stakeholder mtg, work on AGENA letter, sent msg to RTM folks about fox news report, worked on flyer for TT to go to city council members, community meeting prep and meeting, prep for meeting and meeting at city, worked on letter to homeowner, homeowners letter and upload, review of City FAQs doc, email to Hooper seeking help with outreach, AGENA bd and outreach meeting, drafting organizational opposition letter, community info meeting.”</p>			
Disallowances for Unrelated Activities:			
2007 Butcher-	1.0 hr.	2010 Butcher-	18.5 hrs.
2007 Bailey-	3.9 hrs.	2010 Thomas-	11.0 hrs.

⁵² See D.11-07-024 and D.11-05-044.

2007 Crocker-	4.3 hrs.	2011 Bailey-	29.1 hrs.
2008 Ropelato-	16.8 hrs.	2011 Ropelato-	0.1 hrs.
2008 Bailey-	66.1 hrs.	2011 Butcher-	6.0 hrs.
2008 Goldberg-	3.3 hrs.	2011 Thomas-	5.0 hrs.
2008 Crocker-	2.0 hrs.	2012 Bailey-	7.5 hrs.
2008 Thomas-	15.3 hrs.	2012 Thomas-	3.5 hrs.
2009 Bailey-	36.1 hrs.	2012 Ueda-	0.2 hrs.
2009 Butcher-	23.3 hrs.	2012 Ropelato-	0.3 hrs.
2009 Ropelato-	8.7 hrs.	2012 Goldberg-	1.5 hrs.
2009 Thomas-	12.3 hrs.	2012 Butcher-	9.8 hrs.
2010 Bailey-	20.4 hrs.	2010 Ropelato-	7.0 hrs.
2010 Goldberg-	4.7 hrs.		

Time Spent on Public Participation Hearings (PPH) and Outreach Efforts

Attendance at a PPH is not an activity for which an intervenor can claim compensation.⁵³ PPH's are intended to provide an opportunity for presentations by the public at large rather than parties, so intervenors cannot be said to have made a contribution by their attendance.⁵⁴ In addition, the Commission does not compensate for outreach efforts.⁵⁵ Some examples include but are not limited to the following: "Prep for PPH, discuss prep for new PPH, print materials for PPH; Copied CORE bulletin to file under community outreach, work on new PPH flier."

Disallowances for PPH and outreach efforts:

2009 Bailey-	17.2 hrs.
2009 Ropelato	18.4 hrs.
2009 Goldberg	1.1 hrs.
2009 Butcher	7.0 hrs.
2009-Thomas	2.5 hrs.

⁵³ However, AGENA is compensated for time spent preparing post-PPH briefs authorized by the ALJ in this proceeding.

⁵⁴ See D.02-11-019.

⁵⁵ See D.11-01-023.

Unproductive Effort

We remove hours associated with unproductive efforts on issues unrelated to this proceeding. Some examples include but are not limited to the following: “Email to Carrie Green, Mistretta’s asst; VM from BM, CPA and MBA; E’mailed BM confirmation and question to legal team; E-mailed documents to BM, CPA and MBA; editing request for rebuttal; edit AGENA’s request for rebuttal testimony relating to Additional Evidence, participate in a meeting with Kevin McCarty, City attorney and co-counsel.”

Disallowances for Unproductive Effort:

2010 Bailey- 17.0 hrs.

2010 Ropeleto- 0.5 hrs.

2010 Butcher- 3.5 hrs.

Excessive Hours

For the most part, we find that AGENA’s efforts were efficient. However, some hours spent on a particular task were excessive. We reduce these hours by 50%. Some examples include but are not limited to the following: “visit to SoCalGas and Playa del Rey facility; preparing motion for party status, prepare filing papers yet again and e-mail service list; looking up Rule 1.4.(a)(4) on party status, t/c from ALJ Smith re: Motion for Party Status, meetings with CS and community members at CPUC; travel to and from racial impact statement mtg at EJS; meetings with commissioners at CPUC.”

Hours reduced by 50% for excessiveness:

2007 Bailey- 19.2 hrs.

2011 Bailey- 7.5 hrs.

2012 Bailey- 20.0 hrs.

Failure to Allocate Travel at ½ Professional Hourly Rate

AGENA failed to allocate travel time for its participants in the correct area of this claim which compensates travel at ½ professional hourly rate. Rather than parsing out these hours, reallocating them to the current section of the claim, and then readjusting AGENA's totals, we elect instead to simply reduce these hours by 50% thereby achieving the same compensation for this type of activity. We caution AGENA that future claims which fail to properly allocate travel time may be reduced or disallowed completely.

Travel hours reduced by 50%:

2007 Bailey-	1.3 hrs.	2010 Bailey-	1.6 hrs.
2008 Butcher-	1.6 hrs.	2010 Robertson-	5.6 hrs.
2008 Robertson-	7.6 hrs.	2011 Bailey-	4.8 hrs.
2008 Bailey-	1.6 hrs.	2012 Ueda-	10.5 hrs.
2009 Robertson-	2.6 hrs.	2012 Bermault-	2.5 hrs.

Failure to Allocate Hours Spent on NOI/Compensation Matters at ½ Professional Hourly Rate

AGENA failed to allocate hours spent for its participants on its NOI and Compensation Request in the correct area of this claim which compensates these activities at ½ professional hourly rate. Rather than parsing out these hours, reallocating them to the current section of the claim, and then readjusting AGENA's totals, we elect instead to simply reduce these hours by 50% thereby achieving the same result for this type of activity. We caution AGENA that future claims which fail to properly allocate travel time in the correct area, may be reduced or disallowed completely.

Hours spent on NOI and Compensation matters reduced by 50%-

2008 Butcher-	13.2 hrs.	2011 Bailey-	9.6 hrs.
2008 Higuera -	.9 hrs.	2011 Ropelato-	.9 hrs.
2008 Crocker-	.6 hrs.	2012 Bailey-	5.3 hrs.
2008 Bailey-	2.6 hrs.	2012 Ueda-	4.0 hrs.
2009 Bailey-	.4 hrs.	2012 Johnson-	.3 hrs.
2010 Bailey-	.1 hrs.		

PART IV: OPPOSITIONS AND COMMENTS**A. Opposition: Did any party oppose the Claim?**

No

**B. Comment Period: Was the 30-day comment period waived
(see Rule 14.6(2)(6))?**

Yes

FINDINGS OF FACT

1. Avondale Glen Elder Neighborhood Association has made a substantial contribution to D.12-07-021.
2. The requested hourly rates for Avondale Glen Elder Neighborhood Association's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$1,462,280.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Avondale Glen Elder Neighborhood Association (AGENA) is awarded \$1,462,280. Within 30 days of the effective date of this decision, Sacramento Natural Gas Storage, LLC, shall pay AGENA the total award. Payment of the award shall include interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning, October 2, 2013, the 75th day⁵⁶ after the filing of AGENA's request, and continuing until full payment is made.
2. The comment period for today's decision is waived.
3. This decision is effective today.

Dated _____, at San Francisco, California.

⁵⁶ As indicated on page 3, we use the date of July 19, 2013 to calculate the 75th after the date AGENA's claim was filed, as this was the date when the corrected claim was forwarded to the IComp coordinator.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision? No
Contribution Decision:	D1207021	
Proceeding:	A0704013	
Author:	ACALJ Richard Smith	
Payee:	Sacramento Natural Gas Storage, LLC	

Intervenor Information

Intervenor	Date of Claim¹	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Avondale Glen Elder Neighborhood Association (AGENA)	9/17/2012	\$1,623,368	\$1,462,280	No	adjusted hourly rates; non-compensable clerical tasks; activities unrelated to proceeding; PPH and outreach efforts not compensable; unproductive effort; excessive hours; travel time and time spent on compensation activities reduced to ½ professional rate; time spent on compensation matters reduced to ½ professional rate.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Chris	Butcher	Attorney	AGENA	\$170	2007	\$170
Chris	Butcher	Attorney	AGENA	\$185	2008	\$185 ²
Chris	Butcher	Attorney	AGENA	\$195	2009	\$195 ³
Chris	Butcher	Attorney	AGENA	\$215	2010	\$215
Chris	Butcher	Attorney	AGENA	\$225	2011	\$225 ⁴
Chris	Butcher	Attorney	AGENA	\$280	2012	\$280
Colin	Bailey	Attorney	AGENA	\$190	2007	\$190

¹ AGENA filed a list of amendments to its initial claim on 10/8/12, however, it failed to correct its initial errors in its claim until July 19, 2013.

² Approves a first 5% step increase within the 0-2 yr. level of experience.

³ Approves a second 5% step increase within the 0-2 yr. level of experience.

⁴ Approves a first 5% step increase within the 3-4 yr. level of experience.

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Colin	Bailey	Attorney	AGENA	\$215	2008	\$205 ⁵
Colin	Bailey	Attorney	AGENA	\$225	2009	\$215 ⁶
Colin	Bailey	Attorney	AGENA	\$280	2010	\$280
Colin	Bailey	Attorney	AGENA	\$295	2011	\$295 ⁷
Colin	Bailey	Attorney	AGENA	\$300	2012	\$300 ⁸
Stephen	Goldberg	Attorney	AGENA	\$370	2008	\$370
Stephen	Goldberg	Attorney	AGENA	\$370	2009	\$370
Stephen	Goldberg	Attorney	AGENA	\$390	2010	\$390 ⁹
Stephen	Goldberg	Attorney	AGENA	\$390	2011	\$390
Stephen	Goldberg	Attorney	AGENA	\$415	2012	\$420 ¹⁰
Tina	Thomas	Attorney	AGENA	\$450	2007	\$450
Tina	Thomas	Attorney	AGENA	\$465	2008	\$465
Tina	Thomas	Attorney	AGENA	\$465	2009	\$465
Tina	Thomas	Attorney	AGENA	\$490	2010	\$490 ¹¹
Tina	Thomas	Attorney	AGENA	\$490	2011	\$490
Tina	Thomas	Attorney	AGENA	\$515	2012	\$525 ¹²
Kara	Ueda	Attorney	AGENA	\$340	2011	\$340
Kara	Ueda	Attorney	AGENA	\$340	2012	\$350 ¹³
Barbara	Chisholm	Attorney	AGENA	\$325	2009	\$325
Jennifer	Sung	Attorney	AGENA	\$290	2009	\$290
Sarah	Ropelato	Attorney	AGENA	\$175	2008	\$175
Sarah	Ropelato	Attorney	AGENA	\$185	2009	\$185 ¹⁴
Sarah	Ropelato	Attorney	AGENA	\$200	2010	\$195 ¹⁵
Sarah	Ropelato	Attorney	AGENA	\$225	2011	\$225

⁵ Approves a first 5% step-increase within the 3-4 yr. level of experience.

⁶ Approves a second 5% step increase within the 3-4 yr. level of experience.

⁷ Approves a first 5% step-increase within the 5-7 yr. level of experience.

⁸ Applies the 2.2% COLA authorized in Resolution ALJ-281.

⁹ Approves a first 5% step increase within the 13+ yr. level of experience.

¹⁰ Approves a second 5% step increase within the 13+ yr. level of experience and the 2.2% COLA authorized in Resolution ALJ-281.

¹¹ Approves a first 5% step increase within the 13+ yr. level of experience.

¹² Approves a second 5% step increase within the 13+ yr. level of experience and the 2.2% COLA authorized in Resolution ALJ-281 also.

¹³ Applies the 2.2% COLA authorized in Resolution ALJ-281.

¹⁴ Approves a first 5% step increase within the 0-2 yr. level of experience.

¹⁵ Approves a second 5% step increase within the 0-2 yr. level of experience.

PROPOSED DECISION

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Sarah	Ropelato	Attorney	AGENA	\$280	2012	\$285 ¹⁶
Sophia	Sarabia	Attorney	AGENA	\$280	2008	\$280
Ashle	Crocker	Attorney	AGENA	\$280	2007	\$280
Ashle	Crocker	Attorney	AGENA	\$300	2008	\$300 ¹⁷
Ashle	Crocker	Attorney	AGENA	\$325	2009	\$325
Ashle	Crocker	Attorney	AGENA	\$325	2010	\$325
Ashle	Crocker	Attorney	AGENA	\$340	2011	\$340
Ashle	Crocker	Attorney	AGENA	\$340	2012	\$345
Amy	Higuera	Attorney	AGENA	\$235	2008	\$235
Robert	Bremault	Expert	AGENA	\$235	2010	\$235
Robert	Bremault	Expert	AGENA	\$235	2011	\$235
Robert	Bremault	Expert	AGENA	\$245	2012	\$250 ¹⁸
Richard	Casias	Expert	AGENA	\$220	2009	\$220
Richard	Casias	Expert	AGENA	\$230	2011	\$230 ¹⁹
Richard	Ferguson	Expert	AGENA	\$190	2010	\$190
Robert	Mistretta	Economist	AGENA	\$245	2010	\$245
John	Robertson	Engr Expert	AGENA	\$260	2007	\$260
John	Robertson	Engr Expert	AGENA	\$265	2008	\$265
John	Robertson	Engr Expert	AGENA	\$280	2009	\$280 ²⁰
John	Robertson	Engr Expert	AGENA	\$280	2010	\$280
John	Robertson	Engr Expert	AGENA	\$295	2011	\$295 ²¹
John	Robertson	Engr Expert	AGENA	\$295	2012	\$300 ²²
Kevin	Woodruff	Expert	AGENA	\$225	2010	\$225
Kevin	Woodruff	Expert	AGENA	\$235	2011	\$235
Eric	Schultheis	Expert	AGENA	\$120	2007	\$120
Eric	Schultheis	Expert	AGENA	\$125	2008	\$125
Clyde	Williams	Geologist	AGENA	\$250	2008	\$250
Clyde	Williams	Geologist	AGENA	\$260	2009	\$260 ²³
Clyde	Williams	Geologist	AGENA	\$260	2010	\$260

¹⁶ Applies the 2.2% COLA authorized in Resolution ALJ-281.

¹⁷ Approves a first 5% step increase within the 5-7 yr. level of experience.

¹⁸ Approves a first 5% step-increase within the 13+ level of experience and the 2.2% COLA authorized in Resolution ALJ-281.

¹⁹ Approves a first 5% step increase within the 13+ yr. level of experience.

²⁰ Approves a first 5% step increase within the 13+ yr. level of experience.

²¹ Approves a second 5% step increase within the 13+ yr. level of experience.

²² Applies the 2.2% COLA authorized in Resolution ALJ-281.

²³ Approves a first 5% step increase within the 13+ yr. level of experience.

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Clyde	Williams	Geologist	AGENA	\$280	2011	\$280 ²⁴
Alvin	Greenberg	Expert	AGENA	\$215	2009	\$215
Alvin	Greenberg	Expert	AGENA	\$225	2011	\$225
Michael	Johnson	Expert-Water Quality Control	AGENA	\$210	2009	\$210
Michael	Johnson	Expert-Water Quality Control	AGENA	\$210	2010	\$210
Michael	Johnson	Expert-Water Quality Control	AGENA	\$210	2011	\$210
Michael	Johnson	Expert-Water Quality Control	AGENA	\$210	2012	\$215 ²⁵
John	Davis	Expert-Property and Land Finance	AGENA	\$265	2008	\$265
John	Davis	Expert-Property and Land Finance	AGENA	\$265	2009	\$265
Richard	Pearl	Attorney	AGENA	\$270	2011	\$270
Richard	Pearl	Attorney	AGENA	\$275	2012	\$275 ²⁶
William	Kennedy	Attorney	AGENA	\$250	2012	\$250
2009 Law Clerks				\$110	2009	\$100
2007-2012 Paralegals				\$ 50	2007-2012	\$ 50

(END OF APPENDIX)

²⁴ Approves a second 5% step increase within the 13+ yr. level of experience.

²⁵ Applies the 2.2% COLA authorized in Resolution ALJ-281.

²⁶ Applies the 2.2% COLA authorized in Resolution ALJ-281.